

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	DC	20/01/2022
Planning Development Manager authorisation:	TF	21/01/2022
Admin checks / despatch completed	DB	21.01.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	21/01/2022

Application: 21/01208/FUL **Town / Parish:** Wix Parish Council

Applicant: Mr Adam Brown - A H Brown Farms

Address: Land North West of Redhouse Farm Oakley Road Wix

Development: Proposed siting of an agricultural workers mobile home for a period of 3 years.

1. Town / Parish Council

Wix Parish Council
22.09.2021

Wix Parish Council has no objection, subject to the following: it must remain as temporary agricultural workers accommodation, not residential.

2. Consultation Responses

ECC Highways
13.09.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal site is accessed from and along a private road that serves the proposed poultry farm and is situated just north from the adopted Oakley Road. It is noted that proposed mobile home is temporary for a period of 3 years and is sited well away from the public highway. The proposal provides adequate off-road parking, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. The Cycle / Powered Two-wheeler parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times. Reason: To ensure appropriate cycle / powered two-wheeler parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. The proposed dwelling shall not be occupied until such time as a domestic car parking for a minimum of two vehicles has been provided in accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose. Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's

Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: On the completion of the Development, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area, it covers, and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 2: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at:

development.management@essexhighways.org or by post to:

SMO1 - Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

TDC Environmental
Protection
06.08.2021

The Environmental Protection Team have reviewed the submitted documents and proposal and have no adverse comment to make.

TDC Tree & Landscape
Officer
11.08.2021

The application site is in agricultural use and is close to a newly planted shelter belt that will, in time, provide a good level of screening for the proposed dwelling.

The revised location of the agricultural workers dwelling close to, and to the north of, the field boundary hedgerow will ensure that the dwelling is not a prominent or incongruous feature in its setting.

3. Planning History

20/00194/FUL	Proposed erection of 2 No. agricultural buildings for poultry production together with associated infrastructure and a new highway access to Oakley Road.	Approved	27.10.2020
20/01498/FUL	Erection of an agricultural building to house a straw burning biomass boiler to provide a renewable heating system for the approved poultry farm.	Approved	19.02.2021
20/01551/DISCON	Discharge of condition 11 (Traffic Management Plan) of previously approved planning application 20/00194/FUL.	Approved	19.02.2021
21/00252/DISCON	Discharge of Conditions 3 (Surface Water Drainage Scheme), 4	Approved	31.03.2021

(Construction Management Plan),
 13 (Biodiversity Enhancements),
 17 (Surface water Drainage
 Scheme) , 18 (Flooding Risk
 Report) and 19 (Maintenance Plan)
 of Approved Planning Permission
 ref: 20/00194/FUL (Proposed
 erection of 2 No. agricultural
 buildings for poultry production
 together with associated
 infrastructure and a new highway
 access to Oakley Road)

21/00539/DISCON	Discharge of conditions 3 (Construction Management Plan), 5 (Landscaping Plan), 10 (Biodiversity Enhancement Plan), 13 (SUDS Maintenance), 15 (Traffic Management Plan and Route Card), 17 (Waste Management Plan), 20 (Monitoring Scheme), 22 (Land Contamination Analysis) of approved planning application 20/01498/FUL.	Approved	11.05.2021
21/00588/FUL	Proposed siting of an agricultural workers mobile home for a period of 3 years	Withdrawn	22.07.2021

4. Relevant Policies / Government Guidance

The following Local and National Planning Policies are relevant to this planning application:

National Planning Policy Framework July 2021 (the Framework)
 National Planning Practice Guidance (the NPPG)

Adopted Tendring District Local Plan 2007 (part superseded)

QL3 Minimising and Managing Flood Risk
 QL11 Environmental Impacts and Compatibility of Uses (part superseded)
 EN1 Landscape Character
 EN6a Protected Species
 EN11a Protection of International Sites: European Sites and Ramsar Sites
 EN13 Sustainable Drainage
 EN23 Development within the Proximity of a Listed Building
 HG17 Relocatable Dwellings for Agricultural Workers
 COM21 Light Pollution
 COM31a Sewerage and Sewage Disposal
 TR1a Development Affecting Highways
 TR7 Vehicle Parking at New 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)

SP1 Presumption in Favour of Sustainable Development
 SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
 SP3 Spatial Strategy for North Essex

SP6	Infrastructure and Connectivity
SP7	Place Shaping Principles

Relevant Section 2 Policies (emerging)

SPL1	Managing Growth
SPL2	Settlement Development Boundaries
SPL3	Sustainable Design
PP 13	The Rural Economy
PPL1	Development and Flood Risk
PPL3	The Rural Landscape
PPL4	Biodiversity and Geodiversity
PPL5	Water Conservation, Drainage and Sewerage
PPL9	Listed Buildings
PPL10	Renewable Energy Generation and Energy Efficiency Measures
CP1	Sustainable Transport and Accessibility
CP2	Improving the Transport Network
DI1	Infrastructure Delivery and Impact Mitigation

Supplementary Planning Guidance

Essex County Council Development Management Policies 2011 (the Highways SPD)

Essex County Council Parking Standards 2009 (Parking SPD)

Tendring Landscape Character Assessment 2001 (TLCA)

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy 2020 (RAMS SPD)

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 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. On 24 November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report was considered by the Planning Policy and Local Plan Committee on 11 January 2022, which recommend adoption of the Section 2 Local Plan to Full Council on 25 January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, under certain circumstances the level of weight to be afforded to the policies in the 2007 Plan may be reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal

The Site

The site comprises agricultural land to the southeast of the village of Wix, situated adjacent to an approved rural business behind an established hedgerow that is set well back from Oakley Road.

The Proposal and Background

Planning permission was granted under application reference 20/00194/FUL for two buildings to raise broiler chickens, and associated structures. Subsequently, planning permission was granted for a biomass boiler to provide heating (20/01498/FUL). The proposal is for the siting of an agricultural workers mobile home for a period of 3 years to serve the approved business. The structure would be on wheels and would measure 6.136m x 12.457m in footprint, 2.940m to the eaves and 3.940m to the ridge. A short section of driveway and parking for two cars would be provided, accessed via an approved private access road.

Principle of Development

Saved Policy HG17 refers to '*relocatable dwellings for agricultural workers*'. This policy states that outside of the defined settlements, temporary planning permission for a maximum of three years will be granted for a re-locatable dwelling (including a mobile home) for agricultural or forestry workers, provided that:

- i) the applicant is able to demonstrate that there is a functional need for the dwelling to be located within the relevant agricultural or forestry unit;
- ii) there is a clear and achievable business plan to make the holding financially viable within the period of the temporary planning permission; and
- iii) the siting, size and design of the dwelling is such as to minimise the impact upon the open countryside and landscape.

When granting planning permission, a condition will be imposed limiting its occupation to persons solely or mainly employed in agriculture or forestry on that holding.

However, this policy is shortly to be replaced by emerging Section 2 of the 2013-33 Local Plan. To support growth in the rural economy emerging Policy PP13 states that the Council may grant permission for agricultural and key workers' dwellings. Paragraph 80 a) of the Framework also provides for such circumstances, where there is an essential need for a 'rural worker' to live permanently at or near their place of work.

The application is supported by a profit and loss projection, which evidences that the business is likely to be viable. A dwelling is required to provide for out-of-hours labour, including monitoring of birds and providing 24 hour supervision. While heavily automated, it is likely that the monitoring of feed and welfare systems will be required; failure would result in significant losses. An essential need for a rural worker to live near the business is thereby established.

Therefore, having regard to the above the proposal is acceptable in principle, subject to conditions to a) restrict occupancy for the purposes applied for and b) provide for a temporary 3 year period, and consideration of the impact upon the open countryside and landscape which follow below.

Character and Appearance/Landscape

The proposal follows withdrawal of application reference 21/00588/FUL which was considered harmful to the character and appearance of the area. The re-siting proposed addresses these

concerns. As the Council's Landscape Officer states the revised location is close to and to the north of an established hedgerow. This will ensure that the mobile home would not result in harm to the character or appearance of the area or the wider landscape. Moreover, a newly planted shelter belt will, in time, provide a good level of screening. As such, the proposal would not harm the open countryside or landscape character, or conflict with saved Policy EN1 adopted Policy SP7 or emerging Policy PPL3. Because of this, it would not conflict with Section 15 of the Framework.

Heritage Considerations

The proposal is located on agricultural land within the wider setting of the Grade II listed White House. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features or architectural or historic interest it possesses.

The withdrawn proposal (21/00588/FUL) attracted objection from Essex County Council Heritage (ECC Heritage) due to its roadside location. This resubmission relocates the mobile home so that it would be closely associated with the approved business (to which ECC Heritage did not object). Prior to submission ECC Heritage confirmed that the proposal would be capable of support, provided that it was sympathetic in colour to blend in with the approved sheds and landscape.

The proposal would be recessive in colour (indicated to have brown walls/slate grey roof and dark colour rainwater goods) and would be very closely associated with the approved sheds. As such, it has not been considered necessary to re-consult ECC Heritage. Because the proposal would not be harmful to the wider setting of the listed building it would not conflict with saved Policy EN23, emerging Policy PPL9, or Section 16 of the Framework. Nevertheless, a condition should be imposed to require prior approval of precise colour(s).

Representations

The application was publicised by way of a site notice and an immediate neighbour was notified in writing. In response, no third-party representations have been received. Wix Parish Council has commented that they have no objection, provided that the development is of a temporary nature for agricultural workers.

Other Matters

In view of the fact that the development would be temporary it is not necessary or reasonable to require a contribution under the RAMS SPD (the same would not apply to proposals for a permanent dwelling). Equally, the provision of car charging and cycle storage facilities, and renewable energy generation/efficiency measures for a temporary mobile structure are considered to be unreasonable and as such unnecessary. Because the dwelling would be located behind an established hedgerow and a wider planting scheme has already been implemented, full landscaping should not be required.

There is nothing to suggest that protected species or their habitat would be harmed. However, in order to protect the water environment and to ensure that the site is adequately drained, and so as to comply with the above policies in this regard, a scheme for the disposal of surface and foul water should be a conditional requirement. External lighting should be required to only be in accordance with a scheme approved by the local planning authority, in order to avoid unnecessary light pollution.

In the interests of highway safety, areas shown for the parking of vehicles should be provided prior to first use. Subject to this condition, the proposal does not raise highway safety concerns and the Local Highway Authority does not object. Highway related informatives are unnecessary because there are no works proposed within the public highway.

Conclusion

The proposal is considered to accord with the provisions of the development plan and the policies of the Framework. Therefore, planning permission should be granted subject to the conditions recommended in Section 7 below.

6. Recommendation

Approve - 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 strict accordance with the following approved plans:

Drawing Number IP/AHB/01A, Site Plan
Drawing Number IP/AHB/02A, Block Plan
Drawing Number IP/AHB/03A, Proposed Floor Plan and Elevations

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the adjacent business, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason: In order to ensure that occupancy is restricted in accordance with the development plan.

4. The mobile home, driveway and parking area hereby permitted shall be removed, and the land restored to its former condition on or before 3 years from the date of this permission in accordance with a scheme of work first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

5. Prior to first use the parking area shown on Drawing Number IP/AHB/02A shall have been provided. Thereafter, the parking area shall be kept available for the parking of cars associated with the mobile home.

Reason: To ensure adequate off-street parking in the interests of highway safety.

6. Prior to first use foul and surface water drainage measures shall have been installed in accordance with details which shall have been approved by the Local Planning Authority.

Reason: In order to protect the water environment and ensure that the development is properly served by appropriate drainage.

7. Prior to siting of the mobile home precise details of the colour(s) of external surfaces, windows and rainwater goods shall have first been approved by the local planning authority. Thereafter the dwelling shall be of the approved colour(s).

Reason: In the interests of visual amenity and preserving the wider setting of heritage assets.

8. External lighting shall only be installed in accordance with a scheme of external lighting which shall have first been submitted to and agreed in writing by the local planning authority.

Reason: In the interest of preventing unnecessary light pollution.

9. **Informatives**

1. 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.

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