

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	05/10/22
Planning Development Manager authorisation:	JJ	05/10/22
Admin checks / despatch completed	ER	06/10/22
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	06/10/22

Application: 22/01527/AGRIC **Town / Parish:** Lawford Parish Council

Applicant: Mr Harris - T G Harris and Son

Address: Grange Farm Grange Road Lawford

Development: Prior Approval Application under Part 6, Class A/B/E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of an agricultural building for use as a farm office, staff facilities and storage.

1. Town / Parish Council

Lawford Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

94/00723/FUL	Stable block and hay store	Approved	22.07.1994
13/00194/FUL	Proposed 2 storey rear extension to farmhouse. Internal alterations at first floor level to create en suite and main bathroom conversion of roof space to create 2 no. bedrooms, one provided with en suite bathroom and creation 2 no. dormer windows.	Approved	18.04.2013
13/00195/LBC	Proposed 2 storey rear extension to farmhouse. Internal alterations at first floor level to create en suite and main bathroom conversion of roof space to create 2 no. bedrooms, one provided with en suite bathroom and creation 2 no. dormer windows.	Approved	18.04.2013
13/00196/FUL	Construction of new double garage, store and workshop adjacent to existing stable block and yard. Creation of new hard standing to provide vehicle access to garage.	Approved	25.04.2013

13/00805/DISCON	Discharge of Conditions 03, 04 and 06 of planning permission 13/00194/FUL. Condition 03: Details of materials and brick work to be used. Condition 04: Construction details. Condition 06: Details of bond of brick work, joints and mortar mix to be used. FOR INFORMATION ONLY	Approved	02.09.2013
13/01259/DISCON	Discharge of condition 03 of planning permission 13/00196/FUL - Details of roofing materials to be used. - FOR INFORMATION ONLY	Approved	28.11.2013
15/01422/LBC	Proposed boundary wall.	Approved	09.11.2015
15/01715/FUL	Proposed boundary wall.	Approved	31.12.2015
16/01130/DISCON	Discharge of condition 2 (Boundary Wall Materials) of approved planning application 15/01715/FUL and 15/01422/LBC.	Approved	01.09.2016
17/00686/AGRIC	Proposed steel framed general purpose agricultural building.	Determination	18.05.2017

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

Planning law requires that decisions on 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 (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. Officer Appraisal

Site Description

The application site is located on the eastern side of Grange Road, Lawford.

Description of Proposal

This is a 'prior notification' under Part 6 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The applicant is seeking the Council's determination as to whether 'prior approval' is required.

This application seeks prior notification for the erection of an agricultural building for use as a farm office, staff facilities and storage. The building will measure 27 metres length, 6.2 metres width, and 4.8 metres height.

Appraisal

Class A of Part 6 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 allows works 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 proposal may be considered as permitted development. However 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 states in Condition A.2 (2) of Part 6, Class A.

The proposed works are not permitted development if the criteria set out in Part 6 (Class A) cannot be met (see below).

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 parcel of land where the development is to be located is in excess of 1 hectare.

(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;

Not applicable; 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.

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

The building is clearly designed for agricultural use, and therefore this criterion is met.

(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 building will measure 184sqm, and under planning reference 17/00686/AGRIC a general purpose agricultural building was allowed adjacent. The floorspace of this building was 450sqm, resulting in a combined floorspace of 634sqm, thereby falling below the 1,000sqm threshold. This criterion is therefore met.

(f) the height of any structure or works within 3km of the perimeter of an aerodrome would exceed 3 metres;

The building will measure 4.8 metres in height, however the site does not fall within 3 kilometres of the perimeter of an aerodrome. This criterion is met.

(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 building will measure 4.8 metres in height, and therefore this criterion is met.

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

The development is not sited within 25 metres of a metalled part of a trunk road or classified road.

(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 proposed building will not be used for the accommodation of livestock.

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

The land is not part of a National Park or any other form of Article 2(4) land. The proposal is not connected to fish farming.

(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 proposed building is not to be used for storing fuel for or waste from a biomass boiler or an anaerobic digestion system.

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;

The building is for use as a farm office, staff facilities and storage, and not for the uses above. 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;

Not applicable.

(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.

Not applicable.

(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 building is located to the northern section of the site, adjacent to the existing building agreed under planning reference 17/00686/AGRIC. The site contains numerous other buildings of a similar agricultural design and scale, and the proposal will therefore assimilate well within the existing surroundings. Furthermore, the northern boundary contains some vegetation which will minimise some views of the building from the north along Grange Road, and any views will be in the context of the existing buildings in any case. Consequently, the proposed building would be viewed as part of the existing group of buildings and not in an isolated position. For these reasons, the building will not be highly prominent and in view of its surroundings would not be harmful to the rural landscape.

The proposed building would be of a typical agricultural design, comprising of timber cladding with a whitewood tongue and groove boarding roof. These materials and the design proposed are considered to relate acceptably to the rural area and would not appear incongruous in this location given that there are several other large agricultural buildings sited in the vicinity of the development.

(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;

A written description has been provided. A fee of £96 has been paid. The proposal complies.

(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.

Conclusion

Prior approval is not required by the Local Planning Authority for the siting or design of the above development as it is permitted by Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 2015.

6. Recommendation

Determination prior approval not required.

7. Condition

- 1 The development complies with the provisions of 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. The erection of the building for the purposes of agriculture are acceptable subject to the following conditions:
 1. 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.
 2. The development must, except to the extent that the local planning authority otherwise agree in writing, be carried out where prior approval is not required, in accordance with the details submitted with the application.
 3. 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.

8. Informatives

N/A