

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case officer recommendation:	MP	21/03/23
Planning Manager / Team Leader authorisation:	AN	22/03/23
Planning Technician final checks and despatch:	ER	22/03/2023.

Application: 23/00327/AGRIC **Town / Parish:** Bradfield Parish Council

Applicant: Mr John Jiggins

Address: Bradfield Lodge Clacton Road Horsley Cross

Development: Proposed storage building for machinery and crops (if required at harvest).

1. Town / Parish Council

Mistley Parish Council No comments received.

2. Consultation Responses

N/A

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.	Determination	22.12.2016
16/01984/AGRIC	Erection of an open fronted steel portal framed agricultural building for the storage of straw.	Determination	21.12.2016
17/02030/FUL	Demolition of existing covered	Approved	26.01.2018

area, construction of new store/quality control room with farm office and meeting room above in roof space, undercroft covered parking for 3no. vehicles.

18/02040/AGRIC	Proposed erection of open fronted steel portal framed agricultural building for straw & hay storage.	Determination	15.01.2019
20/01818/AGRIC	Proposed open fronted steel portal framed agricultural building for straw storage and machinery.	Determination	19.02.2021
22/00283/AGRIC	Proposed general purpose farm machinery store and workshop building.	Determination	11.03.2022

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

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 a storage building for machinery and crops which will measure 30.48 metres x 16.76 metres with a height of 7.1 metres.

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 agricultural holding extends to 285 hectares, and the development would not be carried out on a separate parcel of land which is less than 1 hectare. This criterion is met.

(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 proposal does not involve any works or structure for accommodating livestock or any plant machinery arising from engineering operations. The building will measure 511 square metres and therefore does not exceed the 1,000 square metres threshold. It is also noted that under planning reference 22/00283/AGRIC a building was approved directly adjacent, however this measured 216 square metres, resulting in a total of 727 square metres.

While other buildings have been granted consent on the wider site previously under references 18/02040/AGRIC and 20/01818/AGRIC, these do not meet the criteria of paragraph D.1(2)(a) given that they are in excess of 90 metres apart and granted consent in excess of two years.

Therefore, the proposal complies.

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

The building will measure 7.1 metres in height, however is not within 3 kilometres of the perimeter of an aerodrome. This criterion is therefore 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 7.1 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 storage building for machinery and crops, 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 proposed building is located to the south of the bulk of the development within Bradfield Lodge, and will also be sited directly adjacent to the west of the agricultural building approved under reference 22/00283/AGRIC. The building will therefore be seen within the context of the wider site, and is also significantly set back from the A120 to the south and Clacton Road to the north and west. It will therefore assimilate well within its immediate surrounds and would not generate significant harm to the areas rural landscape.

Furthermore, the proposed building would be of a typical agricultural design, comprising of goosewing grey profile sheeting and natural grey fibre cement 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 other similar agricultural buildings sited in the immediate vicinity of the development.

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. Conditions

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