

## **DELEGATED DECISION OFFICER REPORT**

<b>AUTHORISATION</b>	<b>INITIALS</b>	<b>DATE</b>
Case officer recommendation:	ER	07/12/2023
Planning Manager / Team Leader authorisation:	ML	07/12/2023
Planning Technician final checks and despatch:	ER	08/12/2023

**Application:** 23/01704/AGRIC **Town / Parish:** Great Bromley Parish Council

**Applicant:** Mr Fairley - Henry Fairley and Son Ltd

**Address:** Park Farm Hilliards Road Great Bromley

**Development:** Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for replacement barn.

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

Not required

### **2. Consultation Responses**

Not required

### **3. Planning History**

00/00122/FUL	Steel frame portal building to be used for the replacement of an existing agricultural building	Approved	15.03.2000
93/00247/FUL	(Park Farm, Great Bromley) Erection of an agricultural building for storage of straw	Approved	08.04.1993
94/01111/FUL	(Park Farm, Great Bromley) To retain works carried out on existing building and complete with the continued use for pig husbandry	Withdrawn	01.11.1994
95/00302/FUL	(Park Farm, Great Bromley) To retain works (infilling of open front by block and metal cladding with roller screen over door) to existing agricultural building	Approved	23.05.1995
97/00644/FUL	Improvements to pig unit	Refused	13.01.1998
98/01086/FUL	Improvements to pig unit	Refused	03.11.1998
99/01873/AGRIC	Replacement of an existing agricultural building	Determination	13.01.2000
03/01247/FUL	To amend eaves height, close access and new planting. (Variation to design of building as approved under reference TEN/97/0644)	Approved	11.08.2003

04/00343/FUL	Proposed re-build of former agricultural building to form production centre (B1 Use)	Approved	15.04.2004
05/01415/AGRIC	Construction of agricultural reservoir.	Determination	16.09.2005
07/02002/AGRIC	Extension to an existing building.		18.12.2007
07/02035/AGRIC	Erection of replacement agricultural building.	Determination	17.01.2008
09/00274/AGRIC	Construction of agricultural reservoir.	Determination	27.04.2009
13/00329/FUL	Change of use of redundant farm buildings for B2 and B8 purposes and the retention of container to be used as an office.	Approved	20.05.2013
15/00186/FUL	General purpose farm storage building.	Approved	25.03.2015
15/00741/FUL	Change of use of part redundant farm building for B2 purposes for a light metal fabrication company.	Approved	10.07.2015
15/01592/AGRIC	Steel framed agricultural barn building.	Determination	18.11.2015
16/00425/FUL	Change of use of farm building for B2 purposes for a metal fabrication company. Erection of ancillary office building.	Approved	09.05.2016
18/00277/AGRIC	Erection of an agricultural store building in place of existing dilapidated building.	Determination	22.03.2018
18/01028/AGRIC	Erection of an agricultural building replacing existing dilapidated building following demolition.	Determination	17.07.2018
19/00230/FUL	Proposed new agricultural access road to wood barns further to Highways England roundabout scheme on Harwich Road.	Approved	14.05.2019
20/00682/FUL	Proposed change of use of building to B2 general industrial.	Approved	07.09.2020
20/01572/FUL	Proposed general purpose agricultural building.	Approved	05.01.2021

22/00541/FUL	Proposed full planning permission for B2 commercial building.	Approved	23.06.2022
23/01704/AGRIC	Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for replacement barn.	Current	

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

Not required

#### **5. Officer Appraisal (including Site Description and Proposal)**

##### Site Description

The application site comprises of a farm and associated buildings located to the east of Hillards Road.

The site benefits from a large hardstanding and small number of existing buildings varying in size and design.

##### 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 for the erection of an agricultural building.

The proposal is for the construction of an agricultural storage building, measuring 26 metres in length, 15.24 metres in depth, with an overall height of 9.5 metres. The building will be constructed from green metal sheets. The area of the building would be approximately 397 square metres.

The application form states that the building will provide storage of machinery and fertilizer, it is therefore considered to be an agricultural building and needs to be assessed under the following criteria:

##### 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 526 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. A separate parcel of land is defined as being separated by land in different ownership, or for example by a public highway.

**The development is not located within a separate parcel of land which is less than 1 hectare in area.**

**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 as outlined previously. 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. Therefore, the proposal complies**

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

**The proposal complies.**

(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 proposed building is within 400m of Listed Buildings to the south east of the site known as "Park Farm" however will not be used for the accommodation of livestock or storage or slurry or sewage. 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.**

#### Conditions

Conditions: 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;

**N/A**

(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;

**N/A**

(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.

**N/A**

(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; (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;

## **Complied with**

### Assessment of the siting, design and external appearance

Policy PPL3 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.

### Siting, Design and External Appearance

The proposed building is to be located to the eastern side of Hillards Road and close to other existing buildings at the site. The site itself comprises of a mixture of other agricultural buildings which vary in terms of design and scale.

The replacement agricultural building is proposed roughly in the position of the existing, this will provide an area for storage and maintenance of agricultural vehicles and the storage of fertiliser, the current timber barn is used for storing the fertiliser but is not suitable for modern farming and is not considered satisfactory either with the red tractor standards inspection or the local fire authority. security of the product is questionable in an open fronted shed.

The new agricultural building will be of a scale appropriate to the business and its surroundings with materials to complement the existing barns whilst staying individual, the roof will be finished in metal profile roof sheets in dark green, walls will be finished in a metal profile cladding sheet in dark green.

The building is of a typical agricultural design, using metal sheeting and is considered to integrate well within its surroundings and it is not considered to have a detrimental impact upon the surrounding rural area. The site contains other buildings of a similar agricultural design and scale, is set well back from any highway and in the context of this rural farming area, the proposal will assimilate well within the existing surroundings and not appear significantly harmful to the area's existing character. Furthermore, the building will largely be seen in the context of the wider agricultural holding from longer range views and will not instead be seen as an isolated building, which further reduces its impact to the rural landscape.

### 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**

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**

Not required

## 9. **Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

Protected Characteristics *	Analysis	Impact
Age	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Disability	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Gender Reassignment	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Marriage or Civil Partnership	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Pregnancy and Maternity	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Race (Including colour, nationality and ethnic or national origin)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sexual Orientation	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Sex (gender)	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral
Religion or Belief	The proposal put forward will not likely have direct equality impacts on this target group.	Neutral