

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	OA	14.05.24
Team Leader authorisation / sign off:	AN	14/05/24
Assistant Planner final checks and despatch:	ER	16/05/2024

Application: 24/00641/AGRIC **Town / Parish:** Great Bentley Parish Council

Applicant: Mr James Groom - George Wright Farms

Address: Admirals Farm Heckfords Road Great Bentley

Development: Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of one pair of general purpose agricultural buildings.

1. Town / Parish Council

N/A

2. Consultation Responses

N/A

3. Planning History

91/00781/FUL	Siting of residential caravan (for agricultural worker).	Approved	14.08.1991
03/02191/AGRIC	New grain and potato store	Determination	20.12.2003
05/01509/FUL	Installation of 20m monopole incorporating 3 No. DBDP antennas, 4 No. 600mm dishes, 6 pack cabinet arrangement and ancillary cabling and equipment.	Approved	07.03.2006
06/00052/AGRIC	Erection of new grain and potato store.	Determination	17.02.2006
08/00272/FUL	To install a 22.5m pole with 6 antennas, ground based equipment cabinets and ancillary development.	Refused	28.04.2008
08/00829/FUL	Extension of two existing farm buildings for storage use.	Approved	17.07.2008
15/01250/AGRIC	Proposed steel framed agricultural building.	Determination	14.09.2015

16/30227/PREAPP	Proposed new radio base station at TEF 75379 - Admirals Farm.		19.10.2016
16/01724/FUL	The installation of an 18m lattice tower, 6 No. microwave dishes, 2 No. equipment cabinets, along with ancillary works.	Approved	08.12.2016
18/01173/AGRIC	Proposed build of general purpose agricultural building.	Determination	09.08.2018
18/01174/AGRIC	Proposed build of general purpose agricultural building behind existing store.	Determination	09.08.2018
18/01638/FUL	Proposed lean to off existing agricultural building.	Approved	22.11.2018
20/01054/DETAIL	Reserved matters application for a doctor's surgery for application 16/01999/OUT allowed at appeal APP/P1560/W/17/3174843.	Approved	23.10.2020
21/00550/AGRIC	Proposed erection of an agricultural building. (Height: 5.60 Metres, Length: 24.40 Metres.)	Determination	21.04.2021
21/00909/DISCON	Discharge of condition 10, (Off Street Parking) 12, (Construction Method Statement) 13, (Landscape Management Plan) 15, (Tree Protection Measures) 16, (Surface Water Drainage) 19, (Archaeology) 20, (Ecological Mitigation Scheme) 21, (Hard surfacing, Lighting, Refuse Storage and Collection Points) and 22 (Fibre Optic Broadband) of approved planning application 16/01999/OUT, approved at appeal via APP/P1560/W/17/3174843		13.07.2021
21/00910/DISCON	Discharge of condition 3 (Materials Plan and Schedule) of approved application 20/00489/DETAIL.	Approved	13.07.2021
21/01348/DISCON	Discharge of condition 16 (Local Recruitment Strategy) of approved application 20/00748/FUL.	Approved	23.09.2021
21/01472/TELLIC	Proposed installation of 2 No. dishes (1No. 300mm; 1No. 600mm) and all ancillary development.	Determination	09.09.2021
22/00278/DISCON	Discharge of conditions 13 (Residential travel information pack) and 16 (Fibre optic broadband connection) of application 16/00133/OUT.	Approved	12.07.2022
22/00402/ROC	Removal of condition 10 of application 19/01021/OUT as Essex County Council had agreed that bus stops were no longer required in Heckfords Road and instead a	Approved	18.12.2023

	contribution has been paid to improve existing bus stops in Great Bentley.		
22/00621/FUL	Proposed erection of six detached dwellings, associated garaging and infrastructure and additional public open space.	Refused	06.09.2022
22/00695/FUL	Proposed revised application for the construction of a new mixed use building consisting of medical wellness and polyfunctional facilities E (e) and retail (Use Class E(a)) alongside associated vehicle access, parking, landscaping and other associated works.	Refused	22.07.2022
22/01699/TELLIC	Proposed upgrade to existing radio base station installation.	Determination	21.10.2022
22/01734/TELLIC	Proposed replacement of 3no. antennas, installation of 2no. 300mm transmission dishes, 9no. RRU's, 1no. GPS module and removal and addition of ancillary equipment.	Determination	10.11.2022
22/02011/FUL	Proposed revised application for the construction of a new mixed use building consisting of medical wellness and polyfunctional facilities (Use Class E (e), retail (Use Class E(a)) and professional services (Use Class E (c)(i)) alongside associated vehicle access, parking, and landscaping.	Refused	29.08.2023
23/01369/TELLIC	Proposed installation of 1 No. Ground based Cabinet and removal and replacement of 3 No. Antenna for 6 No. Antenna and all ancillary equipment added thereto including but not limited to 15 No. RRUs and 1 No. 0.3m Transmission Dish	Determination	05.10.2023
23/01476/ADV	Two V formation non-illuminated sign boards installed outside the hedgeline facing the A133 next to entrance gates.	Refused	12.01.2024
24/00486/FUL	Construction of a new mixed use building consisting of medical wellness and polyfunctional facilities (Use Class E (e), retail (Use Class E (a)) and professional services (Use Class E (c)(i)) alongside associated vehicle access, parking and landscaping.	Current	
24/00641/AGRIC	Prior Approval Application under Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the erection of one pair of	Current	

general purpose agricultural buildings.

4. 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 Local Plan 2013-33 and Beyond (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any Neighbourhood Plans that have been made and the Minerals and Waste Local Plans adopted by Essex County Council.

5. Neighbourhood Plans

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

6. Relevant Policies / Government Guidance

N/A

7. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site comprises of a farm and associated buildings at Admirals Farm located to the east of Welhams Road, Great Bentley.

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 one pair of adjoining general-purpose agricultural buildings.

The combined building will measure 8 metres in height, 48.7 metres in depth and 18.2 metres in width with 8m in ridge height. The side and gable elevations of the building will consist of vertical sheeting reinforced with concrete wall panels. The roof will also be constructed from the same materials, all will have an external grey colouring.

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 101 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:

Heckfords Road is classed as a Class III (classified unnumbered) road. The proposal will be at least 450m from the 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 site is not located within 400m of the curtilage of a protected building. The proposal will not be used for the accommodation of livestock or for the storage of slurry or sewage. The proposal therefore 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 not located within 400m of a protected building. The proposed building is not for the use of storing fuel for or waste from a biomass boiler or an anaerobic digestion system. The proposal therefore 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 building is located to the west of Heckfords Road, Great Bentley on a site where a number of agricultural buildings already exist approximately 0.5km from the main classified road.

The site itself comprises of a mixture of other agricultural buildings which vary in terms of design and scale.

The new building will be of a scale appropriate to the existing buildings, holding and its surroundings with materials to complement the existing barns. The walls and roofing will be grey to match the existing buildings on site.

The new building is of a typical agricultural design, using similar materials to other buildings at the site 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 rural character of the locality. 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 extension is compliant with the 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 prior approval is therefore not required for the siting, design or external appearance of the development as proposed.

8. Recommendation

Prior Approval not required

9. Conditions

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.

10. Informatives

Not applicable

11. 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

12. Notification of Decision

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