

DELEGATED DECISION OFFICER REPORT

AUTHORISATION		INITIALS	DATE
Planning Officer recommendation:		MP	20/11/24
EIA Development - Notify Planning Casework Unit of Decision:	NO		
Team Leader authorisation / sign off:		ML	22/11/2024
Assistant Planner final checks and despatch:		ER	22/11/2024

Application: 24/01623/AGRIC **Town / Parish:** Little Bentley Parish Council

Applicant: Mr Dyson

Address: Bentley Manor Church Road Little Bentley

Development: Application to determine if prior approved is required under Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for agricultural storage barn.

1. Town / Parish Council

Little Bentley Parish Council No comments received.

2. Consultation Responses

N/A

3. Planning History

97/00738/FUL	Continued use as class B1 and B8 textile office and warehouse (Renewal of planning permission TEN/93/0019)	Approved	17.07.1997
02/02026/FUL	Conversion of garage/store to bed and breakfast accommodation for elderly/disabled persons	Approved	08.01.2003
02/02056/LBC	Conversion of garage/store to bed and breakfast accommodation for elderly/disabled persons	Approved	08.01.2003
90/00080/FUL	Continued use of premises as textile warehouse and office (Class B1 and B8).	Approved	10.04.1990
12/00444/FUL	Proposed barn.	Approved	08.06.2012
14/00156/COUNO T	Conversion of business premises (class B1) into 2 dwellings (class C3).	Determination	19.03.2014

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**

Site Description

The application site is land located to the west (rear) of Bentley Manor, on the western side of Church Road within the parish of Little Bentley. To the east is existing built form, with the character rural to the east with large parcels of grassed and agricultural land.

The site falls outside of a recognised Settlement Development Boundary within the adopted Local Plan 2013-2033.

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 for the erection of an agricultural storage barn.

The building will be located to the west of the wider site adjacent to the rear of Bentley Manor, and will measure 4.88 metres in height, 13.72 metres in length and 9.14 metres in width. It is to be used for the storage of farm machinery.

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 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 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 the extent of the agricultural holding 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 would exceed 1,000 square metres; or

(ii) any building erected or extended or altered by virtue of Class A would exceed 1,500 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. In addition, the building will measure approximately 125 square metres, thereby falling below the 1,500 square metre threshold. 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 does not comply.

(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:

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 located within 400m of the curtilage of a protected building, however 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 located within 400m 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. The proposal therefore complies.

(l) the erection or extension of a building would be carried out on land or a building that is, or is within the curtilage of, a scheduled monument.

The proposed building is not being carried out on land or a building that is, or is within the curtilage of, a scheduled monument. 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;

The building is for use as an agricultural barn for the storage of farm machinery, 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 sited to the western section of the site, adjacent to the existing farm complex. The size of the building is relatively modest, and therefore whilst there may be some long-range views, these are not detrimental particularly given the building would be seen in the context of the wider holding.

Furthermore, the building is of a typical agricultural design, comprising of juniper green profile steel sheeting and concrete panels. 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 buildings sited in the vicinity of the development.

Conclusion

The proposed building 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 granted for the siting, design or external appearance of the development as proposed.

8. Recommendation

Determination prior approval not required.

9. 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.

10. Informatives

N/A

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:		NO
Are there any third parties to be informed of the decision? If so, please specify:		NO

Has there been a declaration of interest made on this application?		NO