

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Planning Officer recommendation:	AP	15/5/2025
EIA Development - Notify Planning Casework Unit of Decision:	YES / NO / N/A	
Pre-commencement condition agreement:	YES / N/A	
Team Leader authorisation / sign off:	ML	16/05/2025
Assistant Planner final checks and despatch:	ER	16/05/2025

Application: 25/00376/FUL **Town / Parish:** Lawford Parish Council

Applicant: Mr J Harris - T G Harris and Sons

Address: Grange Farm Grange Road Lawford

Development: Planning Application - Retrospective change of use of agricultural building to B2 (Workshop)/B8 storage and distribution (Flexible).

1. Town / Parish Council

Lawford Parish Council Lawford Parish Council has no comment on this application.

2. Consultation Responses

Environmental Protection
23.04.2025 With reference to the above application, I can advise the EP Team have no comments to make.

ECC Highways Dept
14.04.2025 The information provided with the application has been assessed by the Highway Authority and conclusions reached from a desktop study based on the submitted material and google maps. It is noted that the proposal seeks retrospective approval for the change of use of an agricultural building to B2/B8 storage and distribution use, the building is currently occupied by 3 small businesses and the proposal seeks to regularise these uses and ensure compliance with planning regulations. The site benefits from an existing and well-established access point from Grange Road, which is suitable for the current and proposed level of use, while the access remains unchanged as part of this application, and it has been highlighted that HGV deliveries occur only once every two weeks. The car parking plan demonstrates that there is adequate parking and turning within the confines of the site, and it is not considered that the proposal would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site, considering these factors:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. As indicated on drawing no. CPP02, a minimum Size 3 vehicular turning facility shall be retained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety in accordance with policy DM1.

2. Each vehicular parking space shall have minimum dimensions of 2.9 metres x 5.5 metres and each Blue Badge vehicular parking space shall have minimum dimensions of 3.9 metres x 6.5 metres.
Reason: To ensure adequate parking off the highway is provided and the spaces for people with disabilities is provided in accordance with current guidelines in the interest of highway safety in accordance with Policy DM8.

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance and National Planning Policy Framework.

Informative:

i) All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

ii) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

iii) Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

3. **Planning History**

17/00686/AGRIC	Proposed steel framed general purpose agricultural building.	Determination	18.05.2017
22/01527/AGRIC	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.	Determination	06.10.2022
23/00203/FUL	Proposed extension to existing agricultural storage building.	Approved	18.04.2023

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>

At the time of writing, there are no draft or adopted neighbourhood plans relevant to this site.

6. Relevant Policies / Government Guidance

National:

National Planning Policy Framework 2025 ([NPPF](#))

National Planning Practice Guidance ([NPPG](#))

Local:

Tendring District Local Plan 2013-2033 and Beyond North Essex Authorities' Shared Strategic Section 1 (adopted January 2021)

SP 1 Presumption in Favour of Sustainable Development

SP 3 Spatial Strategy for North Essex

SP 7 Place Shaping Principles

Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted January 2022)

SPL1 Managing Growth

SPL2 Settlement Development Boundaries

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL4 Biodiversity and Geodiversity

PPL9 Listed Buildings

CP1 Sustainable Transport and Accessibility

Local Planning Guidance

Essex Parking Guidance Part 1: Parking Standards Design and Good Practice 2024

7. Officer Appraisal

Site Context

The application site is located predominantly to the east of the Grade II listed Grange Farmhouse (list entry no. 1254100). It is understood that the farmhouse and the farmyard to the rear (east) are in separate ownership. An unlisted residential cottage, 33 Grange Road fronts the road to the north

of Grange Farmhouse at the entrance to the farmyard. The farmyard now comprises modern agricultural buildings on the site of the historic farmstead.

The open rural landscape means that the farmyard is visible from Grange Road and local footpaths as such the application site lies outside of any settlement development boundary.

Proposal

This application seeks planning permission for the retrospective change of use of part of one of the existing agricultural buildings to B2 and B8 use and includes space for vehicular parking and turning. No external alterations to the building are proposed, the units have been internally divided.

The area of the agricultural building subject to the retrospective change of use is 420.3 square metres which is divided into three units. The building is used by Westbrooks Brewery Ltd for the storage and distribution of beer, including kegs and packaged products. The products are received at the site via a curtain-sided HGV on a fortnightly basis and are subsequently distributed using a daily van service. No production, brewing, or on-site consumption occurs within the premises. The building is also occupied by a landscape gardening company as well as car workshop by an individual for private use for personal renovation projects.

The proposed operating hours for the units are 07.00 – 19.00hrs Monday to Friday and 07.00 – 14.00 on Saturdays with no operations on Sundays or Bank Holidays.

Appraisal

Policy PP13 of the Tendring District Local Plan 2013-2033 and Beyond Section 2 supports growth in the rural economy and where the Council may grant planning permission for the following types of development in the countryside outside of defined Settlement Development Boundaries:

- a. Where appropriate to the historic environment, conversion or re-use of rural buildings in the countryside to employment, leisure or tourism use;*
- b. business and domestic equine related activities;*
- c. agricultural and key workers' dwellings; and*
- d. buildings that are essential to support agricultural, aquaculture, horticulture and forestry; and farm diversification schemes.*

In this case a. is relevant as it would involve the re-use of rural buildings in the countryside to employment (Brewery and landscape gardening company – storage and distribution) and leisure (car workshop for personal renovations projects) use.

The policy goes on to state that:

“Proposals for re-use or redevelopment of rural buildings for employment purposes will be considered against the following criteria unless the economic benefits outweigh these criteria:

- e. the building is structurally sound and capable of accommodating the proposed use without the need for significant extension or alteration or reconstruction;*
- f. the proposed use (including any proposed alteration or extensions to the building), its associated operational area, the provision of any services, and/or any amenity space or outbuildings, would not harm its appearance as a rural building or adversely affect the rural setting of the building in the locality;*
- g. the proposed use would not create significant levels of traffic, particularly lorries, on rural roads (proposals for employment uses will be required to provide a sustainability assessment which may include a Travel Plan designed to maximise the opportunities to reduce the need to travel by private car);*
- h. proposals which would create a significant number of jobs should be readily accessible by public transport; and*
- i. it will not lead to unacceptable levels or types of traffic or problems of road safety or amenity and will not require highway improvements which will harm the character of rural roads in the area”.*

The building is structurally sound and capable of accommodating the proposed uses, it would not harm its appearance as a rural building as no external changes are proposed. The rural setting of the building in the locality will not be adversely affected as the farmyard is still in agricultural use and other large agricultural buildings remain part of the farming business. A Justification Statement provides the rationale for no longer being able to utilise the agricultural buildings for their original use citing their structural inadequacy for modern agricultural machinery, now unsuitable for grain handling and tipping operations, the building has restricted bay widths and internal layout and it is incompatible with modern agricultural standards and storage needs.

The retrospective uses as specified in the Planning Statement demonstrate a low level of activity which would not create a significant number of jobs and which would not create significant levels of traffic.

Essex Highways has been consulted and they consider the B8 and B2 use acceptable subject to conditions to secure the parking and turning space in front of the units and these will be imposed on the grant of planning permission.

Two residential dwellings lie on the edge of the farmyard adjacent to Grange Road, of which 33 Grange Road lies immediately next to the vehicular access to the farmyard. To protect the occupiers residential amenity and in view of the location of the farmyard along a narrow country lane it is considered reasonable and necessary to impose conditions restricting the operating hours, the use of the units and any external lighting. The Planning Statement details the uses and the type of activity and vehicle movements that can be expected and the uses of the units are small scale and compatible with the agricultural, rural character of the immediate area.

There is no mention of external storage within the application, however for clarification a condition will be imposed on the grant of planning permission preventing any external storage from taking place in the interests of visual and residential amenity and to ensure sufficient parking provision is retained.

The confirmed small scale uses with no need for additional built development ensures that the setting of the Grade 2 listed Grange Farmhouse will not be significantly affected or harmed.

Habitats, Protected Species and Biodiversity Enhancement

Ecology and Biodiversity

General duty on all authorities

The Natural Environment and Rural Communities Act 2006 amended by the Environment Act 2021 provides under Section 40 the general duty to conserve and enhance biodiversity: "For the purposes of this section "the general biodiversity objective" is the conservation and enhancement of biodiversity in England through the exercise of functions in relation to England." Section 40 states authorities must consider what actions they can take to further the general biodiversity objective and determine policies and specific objectives to achieve this goal. The actions mentioned include conserving, restoring, or enhancing populations of particular species and habitats. In conclusion for decision making, it is considered that the Local Planning Authority must be satisfied that the development would conserve and enhance.

This development is subject to the general duty outlined above. An informative has been imposed strongly encouraging the applicant to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Therefore, the development on balance, with consideration of the impact of the development and baseline situation on site, is considered likely to conserve and enhance biodiversity interests.

Biodiversity net gain

Biodiversity net gain (BNG) is an approach that aims to leave the natural environment in a measurably better state than it was beforehand. This excludes applications for Listed Building

Consent, Advert Consent, Reserved Matters, Prior Approvals, Lawful Development Certificates, householders, self builds, and other types of application which are below the threshold i.e. does not impact a priority habitat and impacts less than 25 sq.m of habitat, or 5m of linear habitats such as hedgerow). This proposal is not therefore applicable for Biodiversity Net Gain as the application is for change of use of an existing building where the access and area for parking and turning already exist as hardstanding.

Protected Species

In accordance with Natural England's standing advice the proposed development site and surrounding habitat have been assessed for potential impacts on protected species. It is considered that the proposal is unlikely to adversely impact upon protected species or habitats.

Conclusion

In accordance with the overarching duty outlined above, this development is considered to accord to best practice, policy, and legislation requirements in consideration of the impacts on ecology interests.

Overall Conclusion

The retrospective change of use of the agricultural building meets the criteria set out in the relevant policies of the Local Plan, accordingly the application is recommended for approval.

8. Recommendation

Approval - Full

9. Conditions

1 APPROVED PLANS & DOCUMENTS

CONDITION: The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

The approved red line plan drawing is SHEET: SP01 received 4th March 2025

SHEET: EP01

SHEET: FP01

SHEET: BP01

SHEET: CPP02

Planning Statement

REASON: For the avoidance of doubt and in the interests of proper phased planning of the development.

NOTE/S FOR CONDITION:

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of

condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

2 **ONGOING REQUIREMENT IMPOSED - RESTRICTION ON EXTERNAL OPEN AIR STORAGE**

CONDITION: No goods, products, raw materials, scrap material or other materials of any other sort shall be stored in the open air outside the confines of the buildings except vehicles in the locations outlined on approved SHEET: CPP02 related to this permission, except pursuant to the grant of separate planning permission on an application made in that regard.

REASON: In the interests of visual and residential amenity and to ensure sufficient parking provision is retained.

NOTE/S FOR CONDITION:

This condition shall engage and restricts the operation of the development from the first commencement of the use and/or operation hereby approved. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary, enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

3 **ONGOING REQUIREMENT IMPOSED - RESTRICTION ON OPERATION TIMES**

CONDITION: The B2 and B8 use hereby permitted shall only operate between the hours of 07.00hrs and 19.00hrs; Monday to Friday and 07.00hrs and 14.00hrs on Saturdays. There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development/use arranged for outside of these approved hours.

REASON: To enable the Local Planning Authority to retain control over the development in the interests of residential amenity within close proximity.

NOTE/S FOR CONDITION:

1) This condition shall engage and restricts the operation of the development from the first commencement of the use. This condition is imposed to ensure the development avoid unreasonable impact on the residential amenity of neighbouring dwellings, especially given the location of the development with considerations to the prevailing character and amenity currently enjoyed in this location. Without the imposing of this condition, the development would be refused due to the risk of harm and this condition is considered necessary,

enforceable and reasonable in all other respects. This condition as detailed will apply to the development at all times unless varied or removed legally.

2) If the development operates outside of the hours stated this may result in unlawful development/use at risk of Enforcement Action. You are encouraged to discuss any concerns with this condition with the Local Planning Authority.

4 **SPECIFIC RESTRICTION ON DEVELOPMENT: RESTRICTION ON CHANGES OF USE**

CONDITION: Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town & Country Planning (General Permitted Development)(England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), the hereby approved development shall be used for storage and distribution of beer (Class B8), storage and distribution of landscaping equipment (Class B8) and car workshop for private use for personal renovation projects (Class B2) and for no other purpose including any other purpose in Class B2 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any Statutory instrument and re-enacting that Order with or without modification).

REASON: To enable the Local Planning Authority to retain control over the development in the interests of the amenity.

5 **COMPLIANCE: HIGHWAYS PROVISION OF PARKING AND TURNING.**

CONDITION: The areas detailed in SHEET: CPP02 provided for the loading, unloading, manoeuvring and parking of vehicles shall be available in its entirety from the first use of the development and shall be retained thereafter and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles and used for no other purpose.

REASON: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway. This condition is required to be implemented from first use of the approved development to ensure highway safety is secured early for the development.

NOTE/S FOR CONDITION:

It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the ECC Highway Authority. Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by Essex County Council or its agents at the applicant's expense.

6 **SPECIFIC RESTRICTION OF DEVELOPMENT - ILLUMINATION RESTRICTION**

CONDITION: There shall be no means of external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

REASON: In the interests of amenity to reduce the impact of night time illumination on the character of the area, residential amenity and in the interests of biodiversity.

10. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning

permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Highways Informatives

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Mitigating and adapting to a changing climate is a national and Essex County Council priority. The Climate Change Act 2008 (amended in 2019) commits the UK to achieving net-zero by 2050. In Essex, the Essex Climate Action Commission proposed 160+ recommendations for climate action. Essex County Council is working with partners to achieve specific goals by 2030, including net zero carbon development. All those active in the development sector should have regard to these goals and applicants are invited to sign up to the Essex Developers' Group Climate Charter [2022] and to view the advice contained in the Essex Design Guide. Climate Action Advice guides for residents, businesses and schools are also available.

Biodiversity Enhancements Informative

In accordance with the Council's general duty to conserve and enhance biodiversity, you are strongly encouraged to improve the biodiversity of the application site through appropriate additional planting and wildlife friendly features. Suggested enhancements could include:

<https://www.rhs.org.uk/wildlife/in-the-garden/encourage-wildlife-to-your-garden>

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