

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	05/06/2018
Planning Development Manager authorisation:	AN	6/6/18
Admin checks / despatch completed	AP	11/6/18

Application: 18/00725/AGRIC **Town / Parish:** Clacton Non Parished

Applicant: Ms Smith

Address: Millers Barn Jaywick Lane Clacton On Sea

Development: Proposed Irrigation reservoir.

1. Town / Parish Council

Clacton – No Town
Council

2. Consultation Responses

n/a

3. Planning History

18/00725/AGRIC Proposed Irrigation reservoir. Current

4. Relevant Policies / Government Guidance

n/a

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 216 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in the determination of planning applications. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 216 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the western side of Clacton-on-Sea to the east of Millers Barn Golf Course and to the north of Clacton Airfield. To the west of the site is arable farmland.

Proposal

This application proposes the construction of an irrigation reservoir to irrigate the surrounding arable fields. The reservoir is to be constructed on a cut and fill basis.

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 development, as states in Condition A.2 (2) of Part 6, Class A.

The proposed agricultural irrigation reservoir is 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:

- 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;
- It would consists of, or include, the erection, extension or alteration of a dwelling;
- It would involve the provision of a building, structure or works not designed for agricultural purposes;
- The ground area which would be covered by any works or structure for accommodating livestock or any plant or machinery arising from engineering operations: or any building erected, extended or altered by virtue of Class A would exceed 465 square metres. This includes any development within 90 metres which occurred in the preceding two years.
- 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 height of any part of any building, structure or works not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres.
- Any part of the development would be within 25 metres of a metalled part of a trunk road or classified road.
- 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; or it would involve excavations or engineering operations on land or over article 1(6) land which are connected with fish farming.
- Any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produces by that boiler or system or for storing fuel not produced on land within the unit; or is or would be within 400 metres of the curtilage of a protected building.

In this instance the proposed engineering operation:

- Is on a parcel of land more than 1 hectares
- Does not involve the erection/alteration of a dwelling
- Does not involve the erection of a building/structure
- No part of the development would exceed 3 metres in height
- No part of the development would be within 25 metres of a trunk or classified road
- Is not for the use of livestock or sewage sludge, fish farming or anaerobic digestion
- The proposed alterations would not significantly alter the character and appearance of the surrounding area.

Further to the criteria noted above the proposal must satisfy conditions. One relevant condition is outlined at Condition A.2 (b) of Part 6 of the General Permitted Development Order which states that where the development involves;

- (i) the extraction of any mineral from the land; or
- (ii) the removal of any mineral from a mineral working deposit

the mineral shall not be moved off the unit.

The submitted plans confirm that the reservoir is designed to be a balanced cut and fill which means that all the materials that are to be excavated are to be used in the construction of the surrounding banks. As such no materials are to be removed from the site and no materials are to be imported.

This application is not for mineral extraction, no minerals will be extracted, removed, moved or worked in any way, other than in the construction of the reservoir as detailed in the drawings provided as part of this application.

Conclusion

As such prior approval is not required by the Local Planning Authority for the siting or design of the above development permitted by Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended.

6. Recommendation

Prior Approval Not Required

7. Conditions

- 1 The proposed agricultural reservoir complies with the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 6 Agricultural Buildings and Operations 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.

8. Informatives

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