

UTT/18/0741/FUL (CLAVERING)

(Referred to Committee by Cllr Oliver. Reason: The site is outside Development Limits)

PROPOSAL: **Section 73A Retrospective application for the demolition of two milking parlours and the erection of a barn**

LOCATION: **Jojacks Farm, Wicken Road, Clavering CB11 4QT**

APPLICANT: **Mr K Boswell**

AGENT: **Hertford Planning Service**

EXPIRY DATE: **6 July 2018**

CASE OFFICER: **Luke Mills**

1. NOTATION

1.1 Countryside.

2. DESCRIPTION OF SITE

2.1 The site is located off Wicken Road, Clavering. It contains various structures and stored items associated with an authorised use as an agricultural contractor's yard.

3. PROPOSAL

3.1 The application is for planning permission to demolish two milking parlours and erect in the same position a building that would contain an office, store and staff room. The application has been made retrospectively – the existing buildings have been demolished and the proposed building is under construction.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 The development does not constitute 'EIA development' for the purposes of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

5. APPLICANT'S CASE

5.1 The application includes the following documents:

- Biodiversity Validation Checklist

6. RELEVANT SITE HISTORY

6.1 In October 2010, a Lawful Development Certificate was granted that confirmed the lawfulness of various structures, as well as storage and maintenance uses (UTT/0606/10/CLE).

7. POLICIES

7.1 S70(2) of The Town and Country Planning Act 1990 requires the local planning authority, in dealing with a planning application, to have regard to:

- (a) the provisions of the development plan, so far as material to the application, (aza) a post-examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

7.2 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

7.3 Relevant development plan policies and material considerations are listed below.

Uttlesford Local Plan (2005)

7.4 S7 – The Countryside
GEN1 - Access
GEN2 – Design

National Policies

7.5 National Planning Policy Framework (NPPF) (2012)
- paragraphs 14, 17, 28, 32-39 & 58-66
Planning Practice Guidance (PPG)
- Design

Other Material Considerations

7.6 Clavering Parish Plan (2014)

8. PARISH COUNCIL COMMENTS

8.1 Full response:

“Clavering Parish Council would like to draw UDC's attention to the fact that the restrictions of working hours are not detailed on the planning application.”

9. CONSULTATIONS

9.1 None.

10. REPRESENTATIONS

10.1 Neighbours were notified of the application by letter. No representations have been received.

11. APPRAISAL

The issues to consider in the determination of the application are:

- A Principle of development (S7 & 28)
- B Character and appearance (S7, GEN2, 17, 58-66 & PPG)
- C Transport (GEN1 & 32-39)
- D Amenity (GEN2 & 17)

A Principle of development (S7 & 28)

- 11.1 The site has an authorised use as an agricultural contractor's yard, such that the principle of development has been established. Furthermore, paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, including through the erection of well-designed new buildings.

B Character and appearance (S7, GEN2, 17, 58-66 & PPG)

- 11.2 The proposed building is sited in the same position as the milking parlours, albeit with a larger footprint. It is considered that this co-location with the other structures on the site, combined with the single-storey scale of the building, prevents any significant impact on the rural character of the area. Furthermore, the external finishes of timber weatherboarding and a tiled roof are considered appropriate. It is therefore concluded that the proposal accords with the above policies insofar as they relate to character and appearance.

C Transport (GEN1 & 32-39)

- 11.3 Taking into account the established nature of the land use, it is considered that the proposed building would not have a significant impact on the number or nature of vehicle movements. It is therefore concluded that there would be no conflict with the above policies.

D Amenity (GEN2 & 17)

- 11.4 Taking into account the established nature of the land use, it is considered that the proposed building would not have a significant impact on the amenity of neighbouring residents. It is therefore concluded that the proposal accords with the above policies insofar as they relate to amenity.

12. CONCLUSION

The following is a summary of the main reasons for the recommendation:

- A** The proposal accords with the development plan and the NPPF, and no material considerations indicate that planning permission should be refused. It is therefore recommended that permission be granted.
- B** It is noted that the Parish Council has highlighted a lack of information on working hours. However, the site is not restricted to certain working hours by any planning permission and, in any event, such a restriction is beyond the scope of the current application because it does not involve a change of use.

RECOMMENDATION – APPROVAL WITH CONDITIONS

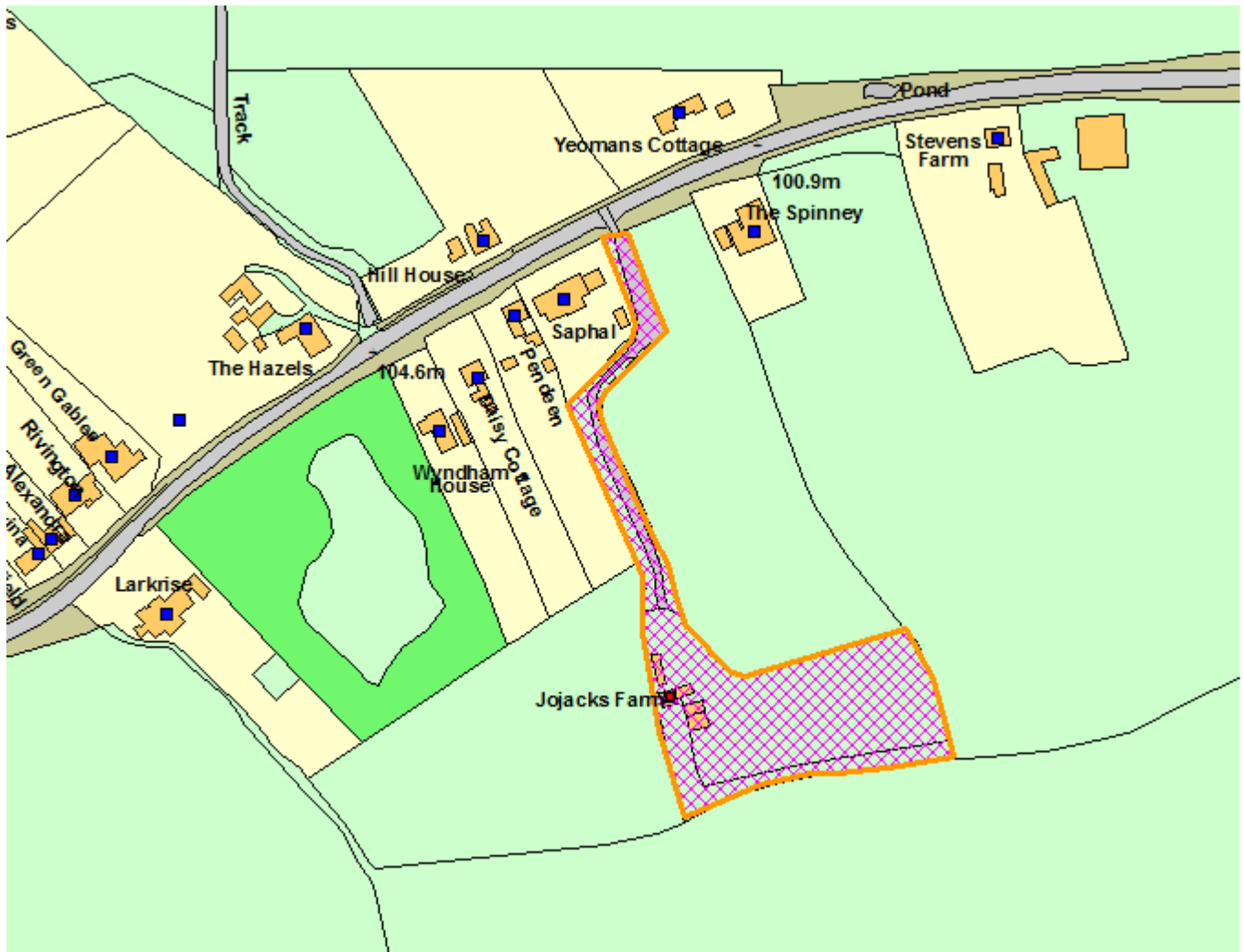
Conditions

1. The development must be carried out in accordance with the schedule of proposed materials on the submitted application form.

REASON: To ensure compatibility with the character of the area, in accordance with Policy S7 of the Uttlesford Local Plan (adopted 2005), and the National Planning Policy Framework.

Application: UTT/18/0741/FUL

Address: Jojacks Farm, Wicken Road, Clavering CB11 4QT



Organisation: Uttlesford District Council

Department: Planning

Date: 14 June 2018