



Appeal Decision

Site visit made on 21 June 2019

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2019

Appeal Ref: APP/X1545/W/19/3226236

Meadow Brook, Loamy Hill Road, Tolleshunt Major CM9 8LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Ely against the decision of Maldon District Council.
 - The application Ref FUL/MAL/18/00997, dated 15 August 2018, was refused by notice dated 10 October 2018.
 - The development proposed is erection of a barn to store and maintain a boat and trailer, tractor and other equipment for maintaining the land, hedgerows and trees.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a barn to store and maintain a boat and trailer, tractor and other equipment for maintaining the land, hedgerows and trees at Meadow Brook, Loamy Hill Road, Tolleshunt Major CM9 8LS in accordance with the terms of the application, Ref FUL/MAL/18/00997, dated 15 August 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2017-951-001 B; 2017-951-002 B; 2017-951-010 A; 2017-951-011 A.
 - 3) The materials used in the construction of the proposed development hereby approved shall be as set out within the application form/plans hereby approved.
 - 4) The building hereby permitted shall only be used for the storage of items ancillary in nature to the dwellinghouse known as Meadow Brook.
 - 5) Notwithstanding condition 2, no development above ground level shall take place until details of the landscaping have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed barn would be situated in an open field to the rear of the host dwellinghouse known as Meadow Brook. The appeal site is in the open countryside for the purposes of the Maldon District Approved Local Development Plan 2014-2029 (2017) (LP).
4. Previous permission¹ was given by the Council for the erection of a stable block, hardstanding and new access associated with a change of use to a paddock. I give this existing permission significant weight. The new access has been created and would be used for the barn subject to the appeal proposal.
5. The proposed barn would be a single-storey structure with a reasonably modest ridge height for a barn of around 4 metres. It would also be of typical agrarian design and materials including vertical timber boarding and corrugated roofing. It would therefore not present as an imposing or incongruous feature in the countryside setting, and within the context of a previous permission for a building on the site.
6. Further, the visual impact of the barn would be screened and softened by a proposed new landscape buffer to its north and west, and by supplementary planting to the existing trees and hedgerow close to its east. The intentional siting of the barn on the inside of a curve where the hedgerow widens out provides further screening of views from the south, and the location provides additional screening due to the close proximity of a hedgerow in the adjacent field to the east running perpendicular to the boundary hedgerow of the appeal site. Overall, there would be substantial screening and softening of the barn through these landscaping features. The appearance of the proposed access would also be softened through construction from grasscrete.
7. Notwithstanding the above screening, limited views of barn would be in the context of existing development associated with Loamy Hill Road. The barn would be broadly no further north into open countryside than the nearby cluster of residential buildings to its west on Loamy Hill Road, including a long barn-type structure to the rear of that cluster which is visible from the appeal site. Views from the open countryside to the north and east would include any unscreened elements of the barn against this existing development and the host dwelling to the south. There would be very limited visibility of the proposal from the road (to south and west) and it would not materially affect the streetscene.
8. Taking all into account, the appeal proposal would not be visually intrusive and would not harm the character and appearance of the locality or the intrinsic character and beauty of the open countryside. As such there would be no conflict with Policies S1, D1 and H4 of the LP which together seek to protect the character and appearance of places. The proposal would also be in accordance with the design principles of the Framework. There would be a conflict with Policy S8 of the LP due to unexempted development in the countryside but, as I have found that the countryside would be protected, I give this conflict limited weight.

¹ 02/01309/FUL

Conclusion

9. In addition to the commencement condition, I am attaching conditions specifying the relevant plans and materials to be used as this provides certainty. To protect character and appearance, I am attaching conditions restricting use and requiring landscaping details to be submitted and approved by the Council.
10. The proposed development would not accord with the development plan as a whole but there are other considerations which outweigh this finding. Therefore, for the reasons given the appeal is allowed with conditions.

Andrew Walker

INSPECTOR