



Appeal Decision

Site visit made on 28 May 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/P1560/W/18/3217476

Land west of Clay Lane, St Osyth CO16 8HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by FE Payne & Sons against the decision of Tendring District Council.
 - The application Ref 18/00702/AGRIC, dated 23 April 2018, was refused by notice dated 30 May 2018.
 - The development proposed is an agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was submitted there has been amendments made to The Town and Country Planning (General Permitted Development) (England) Order 2015¹ (GPDO). However, as I can identify no changes to Schedule 2, Part 6, Class A (henceforth referred to as Class A), neither party has been prejudiced by my consideration of the amended version of the GPDO.
3. Paragraph A of Class A allows the carrying out on agricultural land comprised in an agricultural unit of five hectares or more in area of works for the erection of a building which is reasonably necessary for the purposes of agriculture within that unit.
4. There is no dispute between the parties that the proposal would meet the criteria set out at A.1 (a) – (k) of Class A. However, sub-paragraph 2 of paragraph A.2- Conditions of Class A also requires (amongst other things) the developer to 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.
5. I have been referred to a relevant policy of the emerging Tendring District Local Plan and Beyond Publication Draft (ELP). However, with regard to its stage of preparation, I have no evidence to show that anything other than limited weight should be given to the ELP, in line with paragraph 48 of the National Planning Policy Framework.

¹ 2019 No. 907

Main Issue

6. The main issue is whether or not the proposal would constitute permitted development having regard to the conditions set out at A.2 – (2) (i) of Class A.

Reasons

7. The appeal site comprises the south eastern corner of a large, open, agricultural field which is also within the ownership of the appellant. This field is bound by a narrow country lane (Clay Lane) to the east and is next to a large open field to the south. There are also large field systems to the west and beyond Frowick Lane to the north. The flat topography of the immediate area allows for long distance views of the appeal site and of the surrounding open and predominately undeveloped countryside.
8. The site is located within a landscape known as St Osyth/Great Bentley Heaths, as identified within the Tendering District Landscape Character Assessment, Volume Two: Guidance for Built Development (LCA). This informs the Council's development plan and describes the wider landscape as being defined by large scale, open, arable fields divided by low, gappy, hedgerows. The undeveloped nature of the appeal site makes a positive contribution to this open character. In addition, although the LCA does not preclude new farm buildings, it recognises that such buildings have the potential to be highly visible in the landscape. They should therefore be constructed in such a way that blends with the landscape in terms of scale and design.
9. The proposed agricultural storage building would be 9.1m to the ridge height and would have a floor area of 456sq.m. I appreciate that thought has been given to its location within the holdings, which would be away from the open corner at the junction of Frowick Lane and Clay Lane as well as neighbouring properties. Nonetheless, not only would the proposal's siting and design markedly erode the sense of openness at the appeal site, but it would also obscure long distance views of the surrounding countryside from certain vantage points along Clay Lane. Although set back and partially screened by existing hedgerows, it would therefore appear unduly prominent and intrusive when viewed from this road.
10. Furthermore, the proposal would be seen in long distance views from the wider area, including the surrounding highway network. Consequently, it would also appear conspicuous and alien in this open, undeveloped, landscape setting when viewed from further afield. I am not persuaded that the proposal's harmful overall impact could be suitably mitigated through additional planting at the appeal site, which would only serve to draw the eye to its incongruous siting.
11. It has not been explained to me why this appeal site is the most appropriate location within the appellant's 35 hectare agricultural unit. Neither do I have any substantive evidence to show that there are no other suitable alternative locations within this agricultural unit or elsewhere in Essex. I am therefore not persuaded that there is sufficient justification for siting a building of this size within such a sensitive landscape.
12. For the reasons given, I conclude that the proposal would have an adverse visual impact on the area by virtue of its design and siting. It would therefore be contrary to saved Policies QL9, EN1 and EN16 of the Tendring District Local

Plan insofar as they seek to ensure that developments, including new agricultural buildings, protect the District's landscape and relate well to their surroundings in terms of siting and size. It would also fail to align with the advice of the LCA. The proposal therefore fails to meet the conditions set out at A.2 – (2) (i) of Class A. For these reasons, prior approval should be refused.

Other Matter

13. My attention has also been drawn to other parts of the Council's development plan which recognise that agriculture is an important part of the economy. However, to my mind, the Council's development plan is only relevant in this particular case insofar as it relates to the siting, design and external appearance of the proposal. Notwithstanding this, it is open to the appellant to submit an application for planning permission, where all relevant sections of the development plan would be engaged.

Conclusion

14. Prior approval of the siting, design and external appearance of the barn is required. For the reasons set out above, the proposal would result in an unacceptable visual impact on the area. Consequently, prior approval is refused. The proposal is therefore not permitted development under the provisions of Class A and the appeal is dismissed.

M Heron

INSPECTOR