



Appeal Decision

Site visit made on 28 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2019

Appeal Ref: APP/W1525/W/19/3234667

Land north of Edwins Hall Road, Woodham Ferrers, Chelmsford, CM3 8RX

- 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 Gary Jones against the decision of Chelmsford City Council.
 - The application Ref 19/00397/FUL, dated 7 March 2019, was refused by notice dated 18 June 2019.
 - The development proposed is erection of 6 new stables and hay barn. Construction of manège, hardstanding and gate posts.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development on the application form mentions only three new stables, a hay barn and a manège. However, the descriptions on the Council's decision letter and the appeal form both refer to six new stables, a hay barn, manège, hardstanding, new gateposts and access. These features were present, or partially constructed, at the time of my site visit. I have therefore used the latter description in my header as being more accurate. I have not however used the term access as no new access is actually proposed.

Main Issues

3. The main issues are (i) the effect on highway safety in relation to the adequacy of sight lines from the access and (ii) the effect on the character and appearance of the area.

Reasons

Highway Safety

4. Edwins Hall Road is an unlit, narrow rural lane. Whilst my site visit can only provide a snapshot in time, I saw cars go past the appeal site from both directions every few minutes, suggesting a reasonable amount of traffic use.
5. The evidence indicates that the site was previously open land. The appeal scheme includes facilities that are likely to generate additional visits to the site, for example to access stored equipment, or to exercise horses. As such, it is likely the appeal scheme would result in more vehicles using the site access.
6. Views when leaving the site are severely restricted by hedgerows on either side of the access. This would lead to drivers either edging out into the highway to

gain better views or pulling out fully into the road without knowing whether vehicles are approaching. Such movements would be unsafe, particularly as the access is partially concealed by hedgerows. The appeal development is therefore likely to generate additional use of the unsafe access and so would prejudice highway safety. Other nearby field accesses are noted but do not justify additional use of the unsafe access to the appeal site.

7. Suitable visibility splays may be achievable with the removal of hedgerows along Edwins Hall Road and a Grampian condition could be imposed to accomplish this. However, the removal of hedgerows would in turn have an effect on the character and appearance of the lane and as such it would be unreasonable for me to impose such a condition at this time.
8. For the reasons outlined above, I conclude that the appeal scheme would cause unacceptable harm to highway safety in relation to the adequacy of sight lines from the access. Consequently, and in this regard, it would be contrary to the National Planning Policy Framework (the 'Framework') which aims, amongst other things, to avoid unacceptable harm to highway safety.

Character and appearance

9. The appeal site lies in countryside, characterised by undulating open fields. The stables are positioned close to the highway boundary and their rear elevations are visible from the road through a gap in the hedgerow. Despite being of sympathetic rural appearance, by reason of their positioning the stables are unduly conspicuous from the road, thereby undermining the open countryside character of the area. I am unconvinced that additional planting would totally screen the stables given their proximity to the highway.
10. Furthermore, the metal gate posts are tall and positioned next to the road. They stand out as prominent, unusual features in the countryside and so cause additional harm to the character of the area.
11. The proposed manège would be set back and there would be space to provide additional screen planting on the site. Also, the proposed barn would be positioned largely behind mature hedgerow, thereby having limited effect on the character and appearance of the area. Views from the road of the hardstanding could be reduced through the provision of additional planting. However, the lack of harm caused by these elements of the appeal scheme fails to address or override the harm caused by the stables and gate posts.
12. For the reasons outlined above, I conclude that the stables and gate posts elements of the appeal scheme cause significant harm to the character and appearance of the area. Consequently, and in this regard, these elements of the scheme are contrary to policy DC2 of the CSDCP and the Framework, which aim, amongst other things, to protect the intrinsic character and beauty of the countryside.

Other Matters

13. The appellant contends that the stables are not permanent buildings and therefore do not require planning permission. Also, it is suggested that other elements of the appeal scheme represent permitted development for which planning permission is granted through the Town and Country Planning (General Permitted Development)(England) Order 2015. However, the issue as to whether elements of the appeal scheme require planning permission is not a

matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

14. Paragraph 83 of the Framework states that planning decisions should enable sustainable growth of businesses in rural area. Also, I give positive regard to the facts that the proposed hay barn would allow the appellant to store equipment in a secure building and the hardstanding and stables would help protect the welfare of animals. However, overall the benefits of the scheme are modest and insufficient to outweigh the unacceptable impact on highway safety and significant harm to the character and appearance of the area.

Conclusion

15. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR