
Appeal Decision

Site visit made on 2 June 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2020

Appeal Ref: APP/Z1510/W/20/3244279

Land at Scrips Farm Estate, Cuthedge Lane, Coggeshall CO6 1RL

- 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 Colm Campbell (CPD Powerline Ltd) against the decision of Braintree District Council.
 - The application Ref 19/00084/FUL, dated 21 December 2018, was refused by notice dated 16 October 2019.
 - The development proposed is the erection of a pitched-roof storage shed with landscaping.
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Decision

1. The appeal is allowed and planning permission granted for the erection of a pitched-roof storage shed with landscaping at Land at Scrips Farm Estate, Cuthedge Lane, Coggeshall CO6 1RL in accordance with the terms of the application Ref 19/00084/FUL, dated 21 December 2018 and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The appellant has stated that the Proposed Site Plan was not given the correct reference on the decision, and that the correct references should have been: Proposed Site Plan 1229a-00-04-a and Location Plan 1229a-00-01-b. Therefore, I have determined the appeal on this basis.
3. Reference has been made to the Publication Draft Local Plan (2017), which is currently the subject of an examination by an Inspector. As it is unclear when the plan will be adopted or the extent of any unresolved objections, I have only given the policies limited weight.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area.

Reasons

5. The appeal site is located on an area of land which forms part of Scrip's Farm, an employment estate off Cuthedge Lane. The site is accessed via the existing for the employment land and nearby residential properties. The site is surrounded by agricultural land, with open long-distance views available to the rural landscape. There are a number of public rights of way (PRoW) in the local vicinity, which allow views towards the site. The estate has a number of

existing buildings in commercial uses and areas of storage with caravans and machinery. The site is an area of hardstanding at the edge of the estate and is currently being used for storage purposes. Whilst the estate is generally characterised by low height buildings, there is one larger building already present. The site is bordered by an existing mature tree line to the north, existing buildings and an area of woodland to the east. The site also adjoins Srips Farm Cottage, which is in residential use and is a Grade II Listed Building.

6. The proposal is to erect a pitched-roof storage shed on part of the existing hardstanding to provide an enclosed storage facility. As part of the proposal, new additional landscaping is proposed along the north-west boundary.
7. Views towards the site and the existing buildings, materials, machinery and other associated paraphernalia are already readily visible from the surrounding area. I note that the existing use on the site is already established and that there are no restrictions in place in terms of the height that materials could be stored. The proposed development would introduce an agricultural style commercial building, set within an existing grouping of other similar buildings, therefore, it would not appear incongruous or out of place when viewed from the surrounding countryside.
8. Although larger in scale, the proposed building would be similar to the surrounding buildings, with materials to match those used elsewhere on the estate. It would also not be of a scale or have an appearance that would detract from the surrounding rural character. The proposal would enclose the existing use and give a more formalised and tidier appearance to the site. In addition, the proposed boundary screening around the proposal would also help to soften the edge of the proposal and the wider estate. Whilst the landscaping would not completely conceal the proposal, it would reduce the visual effects in the wider landscape.
9. Whilst I note that the proposal would impact on views from the nearby PRoW when looking into the site, the views experienced are of the existing uses on the site. Although the proposed building will represent a change to the view currently experienced, it would be obscuring views to the existing buildings and the current open storage area, rather than interrupting views of undeveloped countryside.
10. I find that the proposed development would not have a harmful effect on the character and appearance of the site and surrounding area. Therefore, it would accord with policies RLP40 and RLP90 of the Local Plan Review (2005), policies LPP55 and LPP71 of the Draft Local Plan (2017) and Paragraph 84 of the National Planning Policy Framework (the Framework). These policies, amongst other things, require commercial development to be compatible with the surrounding area and be subject to high standards of design, landscaping and other such requirements as may be necessary to reduce the impact of the development.
11. In the Council's reason for refusal it has referenced Policy CS5 of the Core Strategy (2011). This policy seeks to control new uses outside of development boundaries, village envelopes and industrial limits. However, the appeal proposal is not proposing a new use. The storage yard area has an existing use on the site, and this is not an area of disagreement amongst the parties. The

proposal is to encompass the existing use within a building. Therefore, this policy is not relevant to the determination of this appeal.

Other matters

12. The appeal site is within the setting of a Grade II Listed Building, Scrips Farm Cottage. Although I note there are no objections from the Council's Historic Building Consultant. I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the Listed Buildings and its setting.
13. Given the nature of the proposal, and the existing uses already on the site and within its surroundings, the proposed design of the building would be appropriate to its setting. The proposal would not adversely affect the setting of the nearby Listed Building. Consequently, the setting of the Listed Building would be preserved.
14. I note that the issues of traffic, highway safety and litter in relation to the impact on the surrounding roads and nearby grass verges, as well of the use of the estate outside restricted hours has been raised by interested parties. However, the Highway Authority has not objected to the proposal and I have no substantive evidence before me to support these claims.
15. I also note that further concerns have been raised on the existing use on the wider site, in terms of the appropriate planning permissions, change of uses and units being subdivided, as well as the impact on property values and it providing no employment benefits to local residents. However, the use of the site for employment use is already established. The proposal would provide additional enclosed storage space for the existing business and provide economic benefits in providing a secure storage for the business. There would be employment opportunities and economic benefits from the construction phase of the site to the local area and to the supply chain. It would provide an improved working environment and improve the security and safety of the site. The effect on property values is not a determinative matter for the appeal.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal is allowed.

Conditions

17. The Council and appellant have suggested conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance. In addition to the standard time limit condition, in the interest of certainty, I have imposed a condition requiring that the development is carried out in accordance with the approved plans.
18. A condition restricting the external storage of materials and the submission of details of external lighting is necessary to protect the character and appearance and environmental impact of the site and area. Control over the hours of construction is reasonable and necessary to protect the living conditions of the occupiers of nearby residential properties. A drainage condition to protect the groundwater quality in the area is necessary to protect the groundwater quality in the area in the interests of the amenities of the

occupiers of nearby residential properties. I have also included a condition relating to landscape and management in order to safeguard and enhance the appearance of the development and in the interests of the character and appearance.

19. The Highway Authority asked for an informative to be included in regard to the PRoW and maintaining it free and unobstructed at all times. This is covered by separate legislation, therefore, it is not necessary.

D Peppitt

INSPECTOR

Schedule of 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: Proposed Floor 1229a-00-03; Existing Site 1229a-00-02-a; North and east elevation 1229a-20-02-a; South and West elevation 1229a-20-01-a; Section 1229a-30-01-a; Proposed Elevations 1229a-00-10-a; Proposed Site Plan 1229a-00-04-a; Site Planning History Plan 1229a-00-10-a; Location Plan 1229a-00-01-b; Landscape Visual Assessment Whyne Williams Associate (2019); and WWA-00-XX-DR-L-0300 (PL00) Soft Landscape Layout Plan PL 00.
- 3) No external storage of material shall take place on the site edged red shown on plan 1229a-00-01-b.
- 4) There shall be no discharge of foul or contaminated drainage from the site into either the ground water or any surface waters, whether direct or via soakaways.
- 5) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before the approved building is brought into use. The details shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles, luminaire profiles and energy efficiency measures). Development shall be carried out in accordance with the approved details. There shall be no other sources of external illumination.
- 6) Construction works and delivery of materials shall take place only between 0800 -1800 on Monday to Friday and 0800 - 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority before the building is occupied, and these works shall be carried out as approved in the first planting season after the commencement of the development. These details shall include:

- i) existing and proposed finished levels / contours;
- ii) means of enclosure;
- iii) hard surfacing materials;
- iv) minor artefacts and structures (e.g. refuse or other storage units, signs, etc.); and
- v) an implementation programme, including phasing of work where relevant.

Details of soft landscape works shall include:

- vi) planting plans;
- vii) written specifications (including cultivation and other operations associated with plant and grass establishment); and
- viii) schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.

If, within a period of 10 years from the date of planting, any tree or plant (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or plant.

End of Schedule