
Appeal Decision

Site visit made on 9 November 2020

By R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2020

Appeal Ref: APP/V1505/W/20/3252276

The Oaks, Land to left of Pond Farm, London Road, Crays Hill, Billericay, CM11 2XY

- 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 Mark Straderick against the decision of Basildon Borough Council.
 - The application Ref 20/00122/FULL, dated 27 January 2020, was refused by notice dated 17 April 2020.
 - The development proposed is erection of an agricultural barn for secure storage of tractor, mower and other required agricultural implements.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an agricultural barn for secure storage of tractor, mower and other required agricultural implements at The Oaks, land to left of Pond Farm, Crays Hill, Billericay, CM11 2XY in accordance with the terms of the application, Ref 20/00122/FULL, dated 27 January 2020, 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: 1:2500 location plan, 1:500 site plan, plans, proposed fencing plan and the plans, elevations and sections included within the Capital Steel Buildings Summary and Drawings document.
 - 3) The development hereby permitted shall be carried out in accordance with the materials detailed on the submitted planning application forms.
 - 4) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Main Issue

2. The main issue is the effect of the proposed development of the character and appearance of the area.

Reasons

3. The appeal site is located within the Green Belt where new buildings are regarded as inappropriate development. There are exceptions to this general restriction, which include amongst other things buildings for agriculture and forestry. The council is satisfied that as the proposal relates the erection of an agricultural building it would not be inappropriate in the Green Belt. I have no reason to disagree with this view and note that no conflicting views on this matter have been submitted. Having concluded that the development would not be inappropriate in the Green Belt, it is neither necessary nor appropriate for me to go on to consider the effects on the openness of the Green Belt.
4. The proposed building would be of utilitarian design finished in Juniper Green coloured steel cladding, which would blend into the surrounding landscape. The scale of the proposal would be proportionate to the size of the land holding. I observed during my site visit the presence of other agricultural buildings nearby of similar scale, design and materials.
5. There are public footpaths to the east and west of the site and the proposed building would be approximately 40m away from the nearest. Although the new building would be visible from the public footpaths, it would not appear unduly obtrusive or out of place in this semi-rural setting. Views of the building from the main road to the north and from surrounding residential properties would be very limited given the separation distances and the high level of screening that is provided by existing well established trees and hedges.
6. I therefore conclude that the proposed building would not be harmful to the character and appearance of the area. The council has not referred me to any development plan policies. Where there are no relevant development plan policies, paragraph 11(d) of the National Planning Policy Framework (the Framework), states that permission should be granted unless policies within the Framework that protect areas of particular importance provide a clear reason for refusing the development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the Framework taken as a whole. The council agree that this form of development is not inappropriate in the Green Belt and I have found that it would not be harmful to the character and appearance of the area. Accordingly, there would be no adverse impacts of granting permission.

Other Matters

7. I have had regard to concerns that allowing the building would set a precedent for other future development in the area however every case must be determined on its own merits. As the building would be used to store machinery used on the site, I see no reason why it would lead to mud on the road. Given the height of the building, the type of machinery that could be stored and used within it would be unlikely to result in any significant noise or dust. I also note that the nearest residential properties are some distance

away from the proposed building. Consequently I do not consider that the living conditions of nearby residents would be adversely affected.

Conditions

8. The local planning authority has not suggested any conditions. However, I have had regard to those suggested by consultees at the application stage and have considered these against paragraph 55 of the Framework and advice set out in the Planning Practice Guidance (PPG).
9. I have attached the standard time limit condition relating to commencement of development and a condition listing the approved plans for the avoidance of doubt. A condition to ensure the external materials used in the development are those detailed on the application form is also necessary in terms of preserving the character and appearance of the area.
10. As the development would be approximately 40m away from the nearest public footpath, no obstruction would be caused to it and the condition requested by the Highway Authority is unnecessary. Due to the scale and nature of the development, which would be relatively quick to complete, and its distance from the nearest residential properties, conditions relating to construction hours, dust and burning are unnecessary.
11. No reasons or justification have been provided for the suggested land contamination conditions and I am therefore unable to conclude that they meet the relevant tests for conditions in relation to a development of this scale and nature. As a precaution I have imposed an alternative condition to ensure that in the event any contamination is identified during the construction phase of the development, all work on site is suspended until this has been reported, investigated and dealt with in an appropriately agreed manner.

Conclusion

12. For the above reasons, and having had regard to all matters raised, I conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR