



Appeal Decision

Site visit made on 9 March 2022

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 24TH March 2022

Appeal Ref: APP/X1545/W/21/3280403

Grove Cottage, Strathmore Road, North Fambridge, CM3 6NB

- 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 and Mrs K Cockett against the decision of Maldon District Council.
 - The application Ref FUL/MAL/21/00195, dated 26 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is agricultural barn to provide shelter for livestock, store animal feed, and to store ancillary farm equipment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the scale of the building and its location on the rural character of the site and the surrounding countryside.

Reasons

3. Grove Cottage is located on the northern side of Strathmore Road, which is a private access road running from the eastern side of Fambridge Road. The appeal site is in the same ownership as Grove Cottage, and to its east. It is mowed open paddock land.
4. As always, the starting point is the development plan. Policies S1 and S8 of the approved Maldon District Local Development Plan (LDP) seek to support sustainable developments within the defined settlement boundaries. This is to ensure that the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. Outside of the defined settlement boundaries, Garden Suburbs and Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided it is for one of the thirteen acceptable forms of developments listed with policy S8. The list of acceptable developments includes: '*d) Agriculture and forestry and related development (in accordance with Policy E4)*'. Potentially, the proposed development would fall within this category.

5. Policy E4 (agricultural and rural diversification) of the LDP states that: *'The Council will support the development of new buildings or activities associated with agriculture and other land-based rural businesses where: (as far as applicable here)*
 - 1) *There is a justifiable and functional need for the building/activity;*
 - 2) *The function of the proposed building/activity is directly linked, and ancillary to, the existing use;*
6. Policy D1 of the LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-
 - a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
 - b) Height, size, scale, form, massing and proportion;
 - c) Landscape setting, townscape setting and skylines;
 - d) Layout, orientation, and density;
7. The appellant explains that the appearance would be simply a working agricultural barn situated within the rural landscape. It would be clad in juniper green profiled sheeting to the walls with fibre cement sheeting to the roof and juniper green roller shutter doors. Examples of this type and style of building can be seen throughout the countryside; with examples in the immediate locality: 200m to the south east is Fleet Farm with two barns one of 350m² and the other of 400m², and at 250m to the east is Lakeview Farm that has a barn of 350m².
8. It is also explained that the proposed barn will have a footprint of just 126m². The government recommendations for the care of sheep and goats under The Agriculture (Miscellaneous Provisions) Act 1968 gives recommendations for floor areas of barns for sheep and goats, and using those figures of 2.0-2.2 m²/animal, the building could cope with up to 60 lambing ewes. Currently, the applicant owns approximately 2 acres of good quality grazing paddocks, with a further 5 acres being prepared immediately to the north. The applicant has also secured an agreement with the neighbouring farmer to rent a further 15 acres adjacent to these existing paddocks.
9. However, I have not been provided with any details of the exact location of the various fields or, more particularly, of the agreement with the neighbouring farmer. I note that the appellants have been raising and caring for livestock on a small scale at their previous site within the Maldon District for the past 15 years, although I have been given no detail about these activities. What I do see in the proposal is a substantial building for the scale of livestock keeping that is indicated, with 3 sets of roller shutter doors that appear to go well beyond the requirement to house a tractor and the limited equipment for cutting and gathering of hay as feed and bedding that would be required for such an undertaking.
10. Whilst the proposed building is representative of modern agricultural development and is therefore not necessarily out-of-place within the countryside, without a clear and compelling justification, it would have a detrimental impact on the character and appearance of an area of open meadow and the surrounding area. At my visit I could see some of the examples of much larger barns that are referred to by the appellant, but these

appear to be associated with much larger and fully commercial agricultural undertakings, and therefore their existence in the countryside is both understandable and acceptable.

Conclusion

11. I conclude that the appeal proposal of a substantial barn (and machinery store, as it appears), by virtue of its scale and location, would have a detrimental effect on the rural character of the site and the surrounding countryside which, in the absence of a clear and compelling agricultural justification, would be contrary to policies S1, S8, E4 and D1 of the LDP. The appeal will therefore be dismissed.

Terrence Kemmann-Lane

INSPECTOR