

Appeal Decision

Site visit made on 1 March 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2023

Appeal Ref: APP/A1530/W/22/3297755

Land north of Lower Road, Layer Breton, Essex CO2 OPX

- 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 Richard and Rebecca Long of Long Agricultural Plant against the decision of Colchester Borough Council.
 - The application Ref 220006, dated 30 December 2021, was refused by notice dated 14 April 2022.
 - The development proposed is the erection of an open fronted agricultural storage building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Colchester Borough Local Plan 2017-2033 Section 2 ("CBLP2") was adopted on 4 July 2022. Policies of the new plan replace those of the Colchester Borough Core Strategy (amended 2014) and the Colchester Borough Development Policies (amended 2014). I have determined the appeal on this basis.
3. Read as a whole the plans show the proposed building would be 5.5m high at the front and 4m high at the rear with a monopitch roof. However, I note the 'Agricultural building – rear elevation' plan also shows the rear to be 5.5m high. In coming to my decision I have considered the development on the basis of the development shown on plans taken as a whole, as a building with a monopitch roof.

Main Issues

4. The main issues are the effect of the development on:
 - Highway safety and efficiency; and
 - The character and appearance of the area.

Reasons

Highway safety and efficiency:

5. The appellants advise that the use of the site has occurred over the last year, without incident, and I noted agricultural equipment on the appeal site at the time of my visit. They state that the proposal relates to the construction of a building and not to a change of use of the land. Nevertheless, the construction of a building and associated hardstanding is likely to increase the intensity of the

use to some extent, providing covered storage space and a surface suitable for a greater level of year-round use.

6. Lower Road is a narrow single-track road without passing spaces. A small number of narrow driveways may afford drivers of small vehicles some opportunities to pass other vehicles, but they are sparsely located along its length, and there are long stretches with no suitable means for vehicles to pass.
7. West of the appeal site a turn in the road, with thick vegetation close to the road on the inside of the bend, limits visibility quite significantly. Cracks and unevenness in the road surface are also apparent along its length, and I saw places where the soft verge had been damaged.
8. Narrow lanes serving farms are not uncommon, and there were some existing, or former, agricultural buildings on the road, and the appellant advises of smallholdings in the vicinity. Nevertheless, the proposed building would be used to serve land elsewhere and, for the reasons above, Lower Road is poorly suited for additional traffic movements of large and potentially slow-moving vehicles, both in terms of highway safety and traffic flow.
9. Within the site, I note the Council's and the Highway Authority's comments regarding turning, but also the existing use of the land even without hardstanding; I can see no reason why agricultural machinery could not be manoeuvred within the appeal site, even if not wholly within the hardstanding area. At the site access I saw evidence of overrun on each side, but not to an excessive, or unacceptable extent. Visibility at the site access did not appear to be insufficient on this relatively straight section of the road, with generally good visibility on both sides, and where vehicle speeds are likely to be lower than the legal speed limit due to the single track nature of the road.
10. I note the planning permission granted by the Council for another agricultural building on Lower Road, but am required to consider the development before me on its own merits.
11. In conclusion, the development would harm highway safety and efficiency, and would be contrary to Colchester Borough Local Plan 2013-2033 Section 1 (2021) Policy SP7, and CBLP2 Policies DM15 and DM21, which seek safe access with the capacity to accommodate the type and amount of traffic generated.
12. In their highways consultation reply, Essex County Council also refer to policies of the Highway Authority's Development Management Policies 2011, but I have not been provided with those policies, or information relating to their status.

Character and appearance:

13. Lower Road is a narrow road with a rural character serving agricultural fields. Close to the appeal site there is a cluster of residential uses and existing or former agricultural buildings. Land levels rise generally from south to north, with the northern side of the road being at a higher level, and those on the southern side being set lower in the landscape.
14. The appeal site is part of a field on the northern side of the road. Although it rises only gradually in the vicinity of the proposed building, it is served by a ramped access, and stands beyond a small bank. Although currently relatively open to the road, additional planting is proposed along the site frontage as part of the development.

15. Traditional agricultural buildings are a visible part of the character of the road at this point, although those of a comparable size and scale to the proposed building are set in more secluded surroundings. Nevertheless, agricultural buildings to the west demonstrate that, with suitable landscaping, agricultural buildings can be accommodated on the higher ground north of the road without significant harm to the character and appearance of the area.
16. Prior to the establishment of suitable landscaping along the site frontage the proposed building would be a large and prominent feature. There would be only limited visibility of the building from the east, particularly in winter, with filtered views through trees on the site boundary, and very little visibility from the west. The building would not be out of character with the area as an agricultural building, and as landscaping develops its visual prominence from the site frontage would reduce. The hard surfacing proposed would have little effect on the character of the area in this location, given the limited extent of its visibility.
17. CBLP2 Policy DM6, which relates to economic development in rural areas and the countryside, permits new rural employment buildings only exceptionally where a site/area specific business need has been demonstrated and there are no appropriate existing buildings. CBLP2 Policy DM7, which relates to agricultural development and diversification, does not require the same level of justification, and I am satisfied that the case made by the appellant meets this policy requirement, insofar as it applies to the proposed development.
18. In conclusion, subject to suitable landscaping along the site frontage, which could be required by planning condition, the development would not harm the character and appearance of the area. It would therefore accord with Colchester Borough Local Plan 2013-2033 Section 1 (2021) Policy SP7, and CBLP2 Policies DM15 and DM21, which require development to respond positively to local character and context.

Other Matters

19. The development would assist in meeting the needs of a local farming contracting business following the loss of their agricultural equipment storage facilities at a local farm, which attracts moderate weight in favour of the proposal. However, the storage of agricultural equipment and machinery is already taking place at the site, and the benefits would not outweigh the significant weight to be given to the harm I identify to highway safety and efficiency, and corresponding conflict with development plan policies.
20. I have not found harm in relation to the character and appearance of the area, and the absence of material harm in relation to other matters weighs neutrally in the planning balance.

Conclusion

21. For the reasons above, I conclude the development would conflict with the development plan as a whole, and there are no other material considerations that require a decision to be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR