



Appeal Decision

Site visit made on 30 March 2023

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2023

Appeal Ref: APP/W1525/W/22/3301747

Field at Grid Reference 571030 215770, Hyde Hall Lane, Great Waltham, Chelmsford CM3 1BY

- 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 Strutt and Parker (Farms) Ltd against the decision of Chelmsford City Council.
 - The application Ref 22/00433/FUL, dated 1 March 2022, was refused by notice dated 25 April 2022.
 - The development proposed is described as *retrospective application for the siting of a permanent fertiliser tank and hardstanding area. Proposed grain store.*
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw that the fertiliser tank and hardstanding were in place at the time of my site visit. I have assessed the application on the basis of the information contained in the application documents.

Main issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the significance of Hyde Hall Lane, which is a non-designated heritage asset; and
 - the nature and extent of any economic and environmental benefits that the proposal would bring.

Reasons

The effect of the proposal on the character and appearance of the area

4. The appeal site is currently part of an arable field on the north side of Hyde Hall Lane. It is located approximately centrally within Hyde Hall Farm, which comprises around 170 ha of arable land. The Council's Landscape Character Assessment places it within the Felsted Farmland Plateau character area. The assessment notes that the key characteristics of the area include gently undulating farmland, a network of narrow, winding lanes and field boundaries marked by fragmented hedgerows.

5. I saw that the appeal site and its surroundings share these characteristics. The topography is relatively flat, with only limited undulations. The appeal site is slightly elevated in relation to land to the east. Field sizes are generally large and the hedges marking field boundaries are intermittent and sparse. Consequently, this is a very open landscape.
6. The fertilizer tank would be dwarfed by the scale of the proposed grain store. The store would be 54m in length and about 10m in height. Its simple rectangular form and utilitarian design and materials would make it recognisable as a feature of modern agricultural operations. For this reason, the appellant argues that it would not appear out of place in this agricultural landscape. However, I consider that the appellant's approach understates the impact that the proposed building would have. Due to its sheer scale, its stark geometric form, and its lack of relationship to any other built form, it would have a significant adverse impact on the open landscape character of the area. Moreover, that impact would be felt over a wide area.
7. The proposals include areas for tree planting to the east of the proposed building and to the south of Hyde Hall Lane. No doubt a suitable mix of tree species could be secured by a condition. However, in my view the mitigating effect would be relatively minor due to the scale of the proposed building.
8. I conclude that the proposal would result in significant harm to the character and appearance of the area. This would be contrary to Chelmsford Local Plan (CLP) Policy S11, which seeks to protect the intrinsic character and beauty of the rural area. Whilst Policy DM8 allows for new buildings where these are needed for agriculture, this is subject to such buildings not having an adverse impact on the character and beauty of the countryside. The proposal would also conflict with this policy.

The effect of the proposal on Hyde Hall Lane

9. CLP Policy DM14 seeks to protect the significance of non-designated heritage assets, including protected rural lanes that have been identified through Protected Lane Studies. Hyde Hall Lane is a protected lane in the terms of Policy DM14. The attributes that contribute to its significance include its historic alignment, thought to date from medieval times, together with features such as trees, hedgerows, banks, ditches and verges. The setting of the lane comprises the mainly open agricultural landscape described above, together with a number of listed buildings. In my view, these features contribute to the tranquillity, rural charm and generally unspoilt character of the protected lane.
10. The proposal would be served by an existing access, such that it would not have any direct impact on features such as trees, hedgerows, verges or ditches. Nevertheless, it would have a significant impact on the setting of the lane. The scale, orientation and slightly elevated location of the grain store would result in a structure that would dominate views from the section of the lane running east/west from Chatham Green to the appeal site. The proposed building would also be a dominant feature terminating views along the section of lane approaching the site from the south-west. I consider that the scale, design and materials proposed would stand in harsh contrast to the unspoilt character of Hyde Hall Lane, notwithstanding the agricultural function of the building and the proposed planting described above.

11. Where there would be harm to the significance of a non-designated heritage asset, Policy DM14 requires the decision-maker to consider whether the level of harm or loss would be justified following a balanced judgement of harm and the significance of the asset. I shall return to that judgement in the conclusion to my decision.

The nature and extent of any economic and environmental benefits that the proposal would bring

12. Hyde Hall Farm yields 1,500 to 1,900 tonnes of wheat and barley each harvest. The appellant states that an existing storage facility at Whitbread Farm Lane can hold 400 tonnes and that the rest of the crop is transported to a storage facility elsewhere. Although the proposal would not increase the amount of crop produced, the appellant argues that it would increase the efficiency of the business by allowing more of the crop to be stored on site. This would enable the crop to be stored for a longer period, and in more favourable conditions, such that a better price could be achieved.
13. The Council does not dispute that, in general terms, there is an agricultural need for improved storage facilities. I am also mindful that the National Planning Policy Framework (the Framework) supports the development and diversification of agricultural businesses. This is therefore a factor that weighs in support of the proposal.
14. The Council submits that there has not been a proper consideration of alternative locations. In circumstances where there is an acknowledged need, and the proposal would cause harm in planning terms, I agree that this is a case where alternatives need to be explored. The option of improving the existing storage facility at Whitbread Farm Lane is dismissed by the appellant on the grounds that the site is too restricted. However, there is little evidence to support that assertion. For example, no feasibility study has been produced. Moreover, the land holding is extensive and there is nothing before me to show that a location that would be less harmful in terms of landscape and heritage considerations could not be found elsewhere.
15. The appellant considers that the proposed site is to be preferred because it is centrally located within the holding. Whilst that may reduce travel distances from the fields to the store, the appellant's analysis does not touch on how grain is to be transported away from the store. From what I saw on my visit, Hyde Hall Lane does not connect directly to Essex Regiment Way to the south, so the most likely export route would be eastward along Hyde Hall Lane then along Whitbread Farm Lane to its junction with the A131. The proposed storage location would therefore be further from the primary road network than the existing storage facility, involving greater use of rural lanes by the export vehicles.
16. The appellant submits that there would be a public benefit from the reduced need for farm vehicles to access the existing facility. However, the total number of such movements, spread over the nine weeks of the harvest period, currently averages less than two movements (two way) per day. Moreover, as discussed above, the vehicles exporting the grain would still need to travel along part of Hyde Hall Lane, and along Whitbread Farm Lane, to reach the A131. Consequently, I attach very little weight to the claimed benefit of reduced traffic movements. This is not to say that there would be an objection

in terms of highway safety or capacity. I note that the Council has raised no objection on these grounds, and I see no reason to take a different view.

17. The tank is for the storage of liquid fertilizer. The appellant suggests this would be more efficient than granular fertilizer and would have environmental benefits, in that it would reduce the carbon footprint of the operation. However, these benefits have not been quantified. Moreover, as with the grain store, it has not been shown that this is the only location for such storage to take place.
18. Drawing all this together, I consider that the proposal would increase the efficiency of the agricultural business. However, the weight to be attached to this economic benefit is tempered by the fact that there is little evidence that alternative locations, which may be preferable in planning terms, have been properly explored. The weight to be attached to any environmental benefits of using liquid fertilizer is reduced by the absence of any quantification of the claimed benefit and the lack of evidence that alternative locations for storage have been properly explored. Overall, I attach only modest weight to the economic and environmental benefits of the proposal.

Other matters

19. Hyde Hall is a moated manor house located around 200m to the south of the appeal site. It is a listed building which is mainly appreciated within the well-defined immediate setting of its own grounds. The proposed grain store would be seen within an extensive, mainly agricultural, landscape which forms the wider setting of the listed building. Whilst the proposed grain store would be visible from Hyde Hall, I consider that there would be sufficient separation to avoid any material impact on the ability to experience the listed building. It would not therefore be harmful to the significance of the designated heritage asset.
20. The Parish Council, and local residents, have objected to the proposals on various grounds, most of which have been discussed above. Other concerns raised include the limited width of Hyde Hall Lane, the potential for the proposed tree planting to obstruct forward visibility along the lane and the potential for noise from operations at the proposed grain store. Whilst Hyde Hall Lane is a single-track road, forward visibility is good and passing places are available. As noted above, there was no objection from the Council in relation to highway safety. The details of any tree planting could be controlled by conditions, which would take account of highway safety. The potential impact of noise from plant at the grain store could also be controlled by a condition.
21. The appellant points out that both the tank and up to 1,000 sqm of agricultural buildings could be promoted as permitted development under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order. However, it is not for me to comment on applications which may be submitted to the Council in the future. The appeal before me relates to the refusal of an application for planning permission and I have assessed the proposals on that basis.
22. None of the other matters discussed above add significantly to the case for or against the appeal.

Conclusion

23. The proposal would harm the significance of Hyde Hall Lane as a non-designated heritage asset. Both the development plan and the Framework require a balanced judgement to be taken, having regard to the scale of harm and the importance of the asset. Hyde Hall Lane is a protected lane that was scored highly for historic integrity. Its rural charm and generally unspoilt character make an important contribution to its significance. I consider that the proposal would result in considerable harm to the significance of the protected lane. In my view the potential economic and environmental benefits are not sufficient to justify the proposal. It is therefore contrary to CLP Policy DM14.
24. The proposal is also contrary to CLP Policies S11 and DM8, for the reasons given above. There are no considerations that indicate a decision other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

David Prentis

Inspector