



Appeal Decision

Site visit made on 25 July 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 October 2023

Appeal Ref: APP/X1545/W/22/3309501

Lofts Farm, Broad Street Green Road, Great Totham, Essex CM9 8NZ

- 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 Mrs E Hughes against the decision of Maldon District Council.
 - The application Ref FUL/MAL/22/00264, dated 11 February 2022, was refused by notice dated 2 September 2022.
 - The development proposed is the creation of a new access drive with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of the residential properties at 101 and 103 Broad Street Green Road, with particular regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises of agricultural fields that are appreciated as part of the rural landscape to the east of the row of houses that are set alongside Broad Street Green Road. The landscape displays an attractive undeveloped rural character and appearance, with a pattern of fields separated by hedgerows and trees, including lakes, that are visible in relatively expansive views from the nearby Public Footpath (PF) to the south and the residential properties fronting the road. The rural nature of the appeal site is therefore an important characteristic of the surrounding area and landscape.
4. The proposed track would be set at ground level and therefore it would not adversely affect the openness of the land. However, the proposed track would be extensive in both length and width, as it crosses the fields for a considerable distance. Although surfaced in aggregate, which is a common material for rural tracks, the track would nonetheless be easily distinguished from the surrounding fields. Despite following the edges of the fields for much of its route, as opposed to crossing the centre of the fields, the appearance of the proposed track would contrast markedly with the patchwork of surrounding fields, which are currently either set to crops or covered in what appeared to be rough grass.

5. Seen from the nearby PF, which is raised above the level of the surrounding land, and from nearby residential properties, particularly upper floor windows, the proposed track would be clearly visible. The locations and extents of the proposed planting that would take place alongside parts of the edges of the track, would provide some limited screening and softening of the track in these views. However, given the length and width of the track, particularly at its widest point where it would join the existing cul-de-sac to Broad Street Green Road, the track would appear as a visual intrusion in the countryside that would have an unacceptable urbanising effect in this particular location and therefore detract from existing views of the attractive and largely open rural landscape and the intrinsic character of the countryside. Furthermore, the planting alongside parts of the proposed track would introduce a sense of enclosure to the predominantly open landscape setting of the agricultural fields in this particular location.
6. The proposed track would not necessarily be dissimilar to others found on farms across the country. However, this does not mean that all farm tracks have acceptable impacts and I have determined this appeal on its individual planning merits taking account of the particular locational circumstances and the visual relationship between the proposed track and its surroundings.
7. For these reasons, I conclude that the appeal proposal would have a harmful effect on the character and appearance of the area. Therefore, it would conflict with policies D1, S1 and S8 of the Maldon District Approved Local Development Plan 2014 – 2029 (2017) (the LDP), which amongst other things, seek to ensure that development maintains the rural character and is permitted outside defined settlement only where the intrinsic character and beauty of the countryside is not adversely affected. The proposal's harm would also be contrary to Paragraphs 130 and 174 of the National Planning Policy Framework (the Framework), which state that planning decisions should ensure that developments are sympathetic to local character and contribute to and enhance the natural and local environment.
8. In reaching the above findings, I have taken into account that although Policy H4 of the LDP is cited in reason for refusal number 1, this policy seeks to ensure that land is used effectively for housing development, and that new and replacement dwellings, and residential extensions are design led. The appeal proposal is not for a development of the type specified in this policy and therefore I do not find Policy H4 to be determinative in reaching a conclusion on this issue.

Living conditions

9. The proposed access track would join a short cul-de-sac serving several residential properties, including 2 detached dwellings, 101 and 103 Broad Street Green Road (Nos 101 and 103), that front the cul-de-sac close to the proposed access track. Nos 101 and 103 are set back from the cul-de-sac behind relatively spacious front gardens and therefore vehicles travelling along the cul-de-sac would not pass close by the walls and windows of these properties.
10. No evidence is provided as to the likely levels of vehicle trips along the proposed track to access the farm complex. The proposed access track is intended to provide a means of access to the farm complex, in circumstances where the evidence suggests it is sought as a response to a recent change in

land ownership that may mean that the existing vehicular access off Broad Street Green Road is unavailable in the near future. As the sole means of access to the farm complex, the proposed track would be expected to materially increase vehicle trips along the cul-de-sac.

11. However, the farm complex is relatively small and consists mainly of the farmhouse, several agricultural type buildings and fishing lakes. Given the nature of the land uses and the scale of the farm complex, I estimate a commensurately low level of vehicle movements along the access track and cul-de-sac. These will likely include journeys by farm vehicles, which are larger and potentially noisier than passenger vehicles, however journeys by farm vehicles would be expected to be transient in nature. I am advised that farm vehicles already use the proposed access given the existing access rights granted under a 2014 planning permission and there is no evidence before me to suggest that such a use of the access is subject to restrictions over the type and timing of vehicle movements. Furthermore, I have not been provided with any evidence that the existing access to the farm complex, which also appears to run close to a residential property, causes any complaints with regard to noise and disturbance.
12. Taken together, the distances of separation between the cul-de-sac and Nos 101 and 103, and the low level of vehicle movements generated by the proposal, would ensure that noise and disturbance from vehicles using the cul-de-sac, and emissions of fumes from those vehicles, would not harm the living conditions of the occupiers. In reaching the above findings, whilst just a snapshot in time, I did witness only one vehicle using the existing access track to the farm complex during my visit. To my mind, this reflected a very low level of vehicle movements when compared to those travelling along the existing Broad Street Green Road.
13. For these reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of the residential properties at 101 and 103 Broad Street Green Road, with particular regard to noise and disturbance. Therefore, the appeal proposal would be consistent with Policy D1 of the LDP, insofar as it seeks to ensure that development protects the amenity of surrounding areas taking account of noise.
14. The proposal would also be consistent with Paragraph 130.f) of the Framework, which states that planning decisions should ensure that developments create places that promote well-being, with a high standard of amenity for existing users.
15. Policy H4 of the LDP, is cited in reason for refusal number 2. However, for the reasons I have given above, I do not find Policy H4 to be determinative in reaching a conclusion on this issue.

Other Matters

16. I have noted the appellant's suggested need for the proposed track. The farm complex is currently served by a vehicular access track that joins Broad Street Green Road at a junction between a dwelling and the Christian Outreach Centre. I am advised that this access will no longer be available in the near future for occupiers of Lofts Farm due to a recent change in land ownership. Without a vehicular access the property will effectively become land-locked,

affecting functioning of the farm, and therefore the proposed new access road is needed.

17. I recognise that Paragraph 84 of the Framework states that planning decisions should enable the development of agricultural and other land based businesses as part of supporting a prosperous rural economy. However, the appeal submission provides little substantive information regarding the circumstances that have or would sever the farm complex from the existing access with the highway. Although my site visit was just a snapshot in time, I saw that the existing vehicle access, which is also a designated Public Footpath and signposted as such, was still in use. I witnessed a vehicle being driven along it towards the farm and walkers using the Public Footpath.
18. I note that the principle of an access track was found to be acceptable to the Council, subject to meeting the criteria in Policy S8 of the LDP, and the route of the track minimises the loss of agricultural land. However, on the basis of the evidence before me, I am not persuaded that the stated need for the development, as a material consideration, is sufficient to outweigh the proposal's visual harm which I have identified above.
19. The proposed track would be constructed partly alongside the western edge of Lofts Farm Pit, a lake designated as a Site of Special Scientific Interest (SSSI). The findings of the appellant's Preliminary Ecological Appraisal are that the proposal would not adversely affect either the SSSI, or the nearby Chigborough Lakes Local Wildlife Site, which is important for birdlife. Protected species would not be harmed. Nonetheless, an absence of harm does not weigh positively in favour of the appeal proposal.
20. Tree and hedge planting alongside the new section of access, and the provision of a beetle bank, making use of excess spoil, would improve habitat connectivity and biodiversity. However, the extent of any gain has not been quantified. I note that the farm is part of a Countryside Stewardship Scheme (CSS), and the appellant states that several habitat improvements of the scheme relate directly to the proposed access and complement the overall package of enhancements. Nonetheless, the evidence before me does not demonstrate that biodiversity enhancement and delivery of the CSS is contingent on the proposed access track. The benefits of biodiversity enhancement are outweighed by the visual harm to the countryside that I have identified above.
21. The use of sustainably sourced materials is a benefit, but one that is outweighed by the appeal proposal's visual harm. I have not been provided with any substantive evidence that the appeal property has been affected by a persistent problem of theft, vandalism, crime or disorder, that the appeal proposal would be effective in reducing. Therefore, such concerns do not outweigh the harm I have identified above.
22. Lofts Farmhouse and the Granary and the attached Cartlodge at the farm are Grade II listed buildings. Their heritage interest (significance) appears to be derived primarily from their architectural qualities and historic association as a group with farming. Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Set a considerable distance away from the listed buildings, the proposed access track, which

would be constructed more or less at or below ground level, would have a neutral effect on the settings of the Grade II listed buildings. However, the absence of harm in that particular respect does not justify the harm I have otherwise identified in terms of the effect of the appeal proposal on the character and appearance of the area as experienced in other locations close to the appeal proposal.

23. I note that the proposed track would not harm highway safety or cause an increase in flood risk. There is no substantive evidence that the existing access is unsuitable or otherwise harmful to highway safety or that the proposal would materially improve air quality. I have not been referred to any breaches of air quality standards. An absence of harm in these respects does not weigh positively in favour of the proposed development.

Conclusion

24. I have found that the appeal proposal would harm the character and appearance of the area, and I give significant weight to the conflict with policies D1, S1 and S8 of the LDP, that seek to ensure that the intrinsic rural character and beauty of the countryside is not adversely affected.
25. The proposal would not result in any other harms and would comply with policy D1 of the LDP insofar as it seeks to ensure that development protects the amenity of surrounding areas taking account of noise. However, the material considerations, including the aforementioned potential benefits of the proposal and the associated provisions of the Framework, do not carry sufficient weight when taken together to outweigh the harm, nor do they indicate that the application should be determined otherwise than in accordance with the development plan.
26. For the reasons given above and having considered all matters raised, I conclude that the proposed development conflicts with the development plan as a whole. Therefore, the decision should be made in accordance with the development plan and the appeal should be dismissed.

G Sylvester

INSPECTOR