



Appeal Decision

Site visit made on 6 November 2023

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2023

Appeal Ref: APP/C1570/W/23/3315378

The Meads, Bilden End, Chrishall, Essex SG8 8RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by S Wiseman against Uttlesford District Council.
 - The application Ref UTT/22/1958/FUL, is dated 12 July 2022.
 - The development proposed is a new farm track, creation of visibility splay and 1no. proposed glamping unit.
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Decision

1. The appeal is dismissed and planning permission for a proposed new farm track, creation of visibility splay and 1no. proposed glamping unit is refused.

Procedural Matters

2. The Council's jurisdiction to determine the planning application for the appeal development fell away when the appeal was lodged. From the evidence before me, the Council would have refused planning permission had it been able to do so. I have considered the Council's submitted appeal statement and its putative reasons for refusal in terms of defining the main issues below.
3. The description of the development originally given in the appellant's planning application form was amended by agreement between the main parties. I have taken this amended description for the banner heading above and this is the basis on which I have determined this appeal.

Main Issue

4. The main issue is the effect of the proposed glamping unit on the character and appearance of the area.

Reasons

5. The proposed glamping unit would be situated in an agricultural field and relatively close to rows of trees and planting to the north and east that extend alongside the routes of the public footpaths. The public footpaths continue in a generally north-to-south and east-to-west direction across the surrounding land.
6. This part of the field is at a low point in the land, which rises to the east and west. Together, the topography of the surrounding land and the rows of trees and hedgerows close by, limit its visibility in longer distance views across the landscape. However, it would be visible in relatively close distance views from the nearby sections of public footpath, through the gaps between trees and planting that run alongside them. Some of those gaps are relatively wide,

including the wide gap in tree cover at the crossing of the watercourse to the south of the site.

7. In these views, the part of the appeal site for the proposed glamping unit is appreciated as part of an attractive and scenic rural landscape, consisting of expansive and undulating agricultural fields, partly bordered by hedgerows, with trees and blocks of woodland visible in the far distance. Although some farm buildings and a few dwellings are visible in distance views from the public footpaths close to the appeal site, the area is characterised by an absence of buildings. The undeveloped nature of this part of the appeal site is therefore an important characteristic of the rural landscape. Although there is no seating along the public footpaths, the paths are public spaces from which recreation can be enjoyed and the surrounding landscape experienced.
8. This part of the appeal site and its surroundings do not fall within a designated landscape, and there is no evidence before me to identify the landscape as being particularly unusual or unique. Nevertheless, it is an attractive rural landscape, and the Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment (2006) (the LCA), drawn to my attention by the appellant, describes the landscape as highly sensitive to change.
9. The style of the proposed glamping unit echoes that of linked Shepherd's huts. It would be a low-rise unit in a style that has agricultural and rural origins. Nonetheless, it would be a reasonably large structure with a raised external deck, capable of accommodating paraphernalia such as a hot-tub and seating, and it would introduce built form into part of the agricultural field, which is otherwise free from built development.
10. I acknowledge that views of the proposed glamping unit from the nearby public footpaths would be filtered by the trees and planting that run alongside them. In these views, the natural tones of the colours of its timber cladding and corrugated roof would be relatively subdued and not strident. Even so, the glamping unit would nonetheless be visible through gaps in the trees alongside the footpaths, particularly when the trees are not in leaf, leading to a marked change in the appearance of this part of the field.
11. In the context of the attractive and scenic rural landscape, and the general absence of buildings, the glamping unit and associated paraphernalia would be a visually jarring addition that would markedly change the character and appearance of the site. Whilst this extent of visual change would be relatively localised, the proposed glamping unit would nonetheless adversely affect the character and appearance of this part of the countryside.
12. The proposed soft landscaping, whilst extensive, would likely take a number of years to establish and mitigate views of the proposed glamping unit. Even then, I cannot be certain that once established it would be retained.
13. I conclude that the proposed glamping unit would harm the character and appearance of the area, with particular regard to the location within the countryside. It would therefore conflict with the part of Policy S7 of the Uttlesford Local Plan 2005 (LP) which seeks to protect or enhance the particular character of the part of the countryside within which development would be set.

14. As far as is relevant to this case, this part of Policy S7 of the LP is consistent with the aims of the National Planning Policy Framework (the Framework) in Paragraphs 130.c) and 174.b), which require planning decisions to ensure that development is sympathetic to landscape setting, and recognises the intrinsic character and beauty of the countryside.

Other Matters

15. I have no reason to doubt that tourism is important to the area's economy or that few glamping sites of this type, offering a countryside glamping experience and providing guests with a sense of remoteness and tranquillity, are available. However, the benefits to the intended guests would be of limited weight in its favour.
16. I have taken account of the appeal proposal's proximity to the nearest visitor attractions and places to eat and drink. Forecast occupancy rates indicate some additional visits to the local pub and local café, with additional spend in local businesses. Limited information is before me to quantify the economic benefit to the diversification of the farm. I acknowledge that part-time employment would be created, which would benefit the economy. However, on the evidence before me the economic benefits from a single unit of accommodation to either the farm or the wider economy, would be relatively small.
17. The environmental benefit derived from biodiversity gain would also be relatively small given the scale of the development. I am not convinced that the appeal proposal would be the only means of achieving the beneficial aims of the LCA in strengthening and enhancing hedgerows, and providing woodlands.
18. There are Grade II listed buildings to the west, a Grade II listed building (Well Cottage) to the north, and the Grade II listed Chiswick Hall and moated site (a Scheduled Ancient Monument) to the east. It is my duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention, and have regard to, the desirability of preserving the setting of listed buildings. I am satisfied that there would be very little prospect of intervisibility between the listed buildings and the proposed glamping unit, given the distances of separation. Therefore, it would preserve (leave unharmed) the settings of those listed buildings, and the Scheduled Ancient Monument. However, an absence of harm does not weigh positively in favour of the proposal.
19. I note that artificial lighting could be controlled by a planning condition and the proposed glamping unit could be served by a satisfactory power source and sewerage system. The Council raised no objections in respect of noise effects, living conditions of occupiers of nearby properties, highway safety or parking. However, even if I were to agree, an absence of harm in these respects does not weigh positively in favour of the proposal.
20. The submitted details of the planning permission at Wimbish Hall Farm (WHF) appear to show several glamping units in reasonably close proximity to existing buildings. The accompanying Officer's Report states there were limited to no views of the WHF application site from the public realm, adjoining properties and the wider countryside, and it would not affect the local landscape. I have no reason to disagree with Council in these respects. In contrast, I have found that the glamping unit in the appeal before me would be visible in close

distance views from nearby public footpaths and would adversely affect the landscape. Therefore, whilst some broad similarities can be drawn between them, the development at WHF is materially different in context to the appeal proposal before me and it has limited relevance to my considerations in this appeal. In any case, I am not bound by decisions of the Council.

21. I note the appellant's concerns over the Council's processing of the planning application. This followed pre-application engagement and the application was amended following discussions with Council Officers. However, I have determined the appeal on its planning merits based on the evidence before me and my experiences at the site visit. I have not been influenced by such concerns.

Planning Balance and Conclusion

22. The collective economic and environmental benefits of the appeal proposal would be relatively small and therefore very modest weight attaches to them. Set against those benefits is the harm that would be caused to the character and appearance of the countryside in the locality of the appeal site, to which I attach significant weight.
23. Although the proposed glamping unit may comply with other policies, the harm I have identified would bring it into conflict with the development plan as a whole. The material considerations, including the potential benefits of the proposal, and the associated provisions of the Framework, do not carry sufficient weight to outweigh the harm, nor do they indicate that the appeal should be determined otherwise than in accordance with the development plan. Therefore, the appeal is dismissed, and planning permission is refused.

G Sylvester

INSPECTOR