



Appeal Decision

Site visit made on 2 February 2024

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/Z1510/W/23/3327446

Park Road, Wickham St. Paul, Halstead, Essex CO9 2PT

- 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 S M Shuttlewood against the decision of Braintree District Council.
 - The application Ref 22/03449/FUL, dated 22 December 2022, was refused by notice dated 15 March 2023.
 - The development is a vehicular access onto Park Road serving the paddock to the rear of Dove Cottage.
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Decision

1. The appeal is allowed and planning permission is granted for a vehicular access onto Park Road serving the paddock to the rear of Dove Cottage, at Park Road, Wickham St. Paul, Halstead, Essex CO9 2PT, in accordance with the terms of the application, Ref 22/03449/FUL, and the plans submitted with it.

Procedural Matters

1. I saw that the vehicular access has been constructed and appears to match that shown on the submitted drawings. The planning application form confirms that the development has been completed and it is not described as seeking to change the use of the land. As such, I have determined the appeal on this basis.
2. Part E of the appeal form confirms that the description of development has not changed from that stated on the planning application form. Nevertheless, a different wording has been entered on the appeal form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form with the omission of references to "retrospective" and "retention" as neither is an act of development under s55 of The Town and Country Planning Act 1990.
3. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. There are no material changes relevant to the substance of this appeal and therefore I am satisfied that no one will be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.

Main Issues

4. The main issues are whether there is a need for the vehicular access and its effect on the character and appearance of the area.

Reasons

Need

5. The purpose of the access is stated as serving the existing use of the land for livestock grazing. The main parties confirm that the land is used for animal grazing and the evidence suggests that without the access, the land could not be accessed by vehicles.
6. There appears to be no dispute that the access lies outside of the development boundary for Wickham St Paul and therefore in the countryside for planning purposes. Policy LPP1 of The Braintree District Local Plan 2013-2033, Adopted July 2022 ("the BDLP") states that outside of development boundaries, development will be confined to uses appropriate to the countryside, whilst protecting the intrinsic character and beauty of the countryside, amongst other requirements. The supporting text to Policy LPP1 states that development outside development boundaries is normally restricted to that which supports countryside uses.
7. The Policy does not define countryside purposes. Nonetheless, livestock grazing is a purpose normally carried out in the countryside. I see no basis in the evidence before me that livestock grazing would be an inappropriate use in this countryside location as a matter of principle. Although the evidence does not describe the appeal site as trading as a business, I have not been referred to anything in the Policy or the Framework that explicitly precludes development in a rural area that is not trading as a business.
8. On the evidence before me, I conclude on this issue that the appeal development accords with BDLP Policy LPP1, insofar as it seeks to confine development outside development boundaries to uses appropriate to the countryside.

Character and appearance

9. The access is set within a rural landscape to the south of the village that displays an attractive rural character and appearance. This is derived from the pattern of mostly cultivated fields bordered by hedgerows and the presence of trees and blocks of woodland. Built development is generally absent save for some agricultural storage buildings in the distance to the south, and the buildings at the Fruit Farm and Farm Shop on the opposite side of the road.
10. The evidence suggests that the access has been laid onto part of a field. It is one of a number of existing accesses to Park Road, including the relatively wide vehicle accesses and parking area to the Fruit Farm and Farm Shop opposite. The access extends away from Park Road for some distance alongside a dense row of deciduous trees and along the edge of a cultivated field.
11. Seen from Park Road at the point where it is joined by the access, the hardcore surface of the access is generally level with the ground and does not adversely affect the openness of the land. Set along the boundary where the cultivated field meets the dense row of trees on the other, and where the land coverage is different in appearance, the visual effect of the access is neither incongruous nor harsh. It does not contrast harmfully with either the trees or surrounding fields, and it relates to the other nearby accesses. The permeability of the metal field gate, which is typical of its type and common in rural areas, allows views through of the access, fields and trees.

12. The sparsely spaced and narrow timber posts alongside the access have a negligible visual impact when seen against the backdrop of fields and planting. There is no obvious indication on the drawings that wire or rails would be attached between these posts, even though wire is stated in the Council's reason for refusal, and they were not present at my site visit.
13. In long and medium distance views from Park Road, the access, gate and timber posts are largely screened by either the hedgerow lining the roadside on the approach to the village from Park Road, or the dense planting on land to its north when travelling out of the village.
14. Taking all the above into account, I find that the appeal development does not appear as a harmful visual intrusion into the countryside. It is sympathetic to the rural character of the landscape, and the intrinsic character and beauty of the countryside.
15. I therefore conclude on this issue that it does not harm the character and appearance of the area, and it accords with BDLP Policies LPP1, LPP52 and LPP67, insofar as they seek for development to reflect or enhance the area's local distinctiveness, be sympathetic to the character of the landscape, and protect the intrinsic character and beauty of the countryside.

Other Matters

16. I have taken account of the scale and nature of the access and its use, along with its location and relationship to the closest residential properties. In so doing I am satisfied that it is adequately separated from those properties such that its use does not harm the living conditions of nearby occupiers.
17. I observed only the occasional vehicle travelling along Park Road and at low speeds given the transition to a 30 miles per hour speed limit on the approach to the village. Although only a snapshot in time, I have no substantive evidence that leads me to conclude that such traffic conditions are abnormal to those commonly experienced. Based on the evidence before me, including the consultation advice from the Local Highways Authority, I am satisfied that the development has not unacceptably increased the risk of accidents or harm to highway safety in this location.
18. For the preceding reasons it is not necessary or reasonable to impose conditions limiting the type or frequency of vehicles using the access, or the precise equipment and supplies being transported to the livestock grazing land along the access.
19. I am not bound by previous decisions of the Council. The previously refused planning application at the site has limited relevance to my considerations in this appeal, which is based on its individual merits and an assessment against the development plan and material considerations. Any future proposal to materially change the use of the land or extend the access would be expected to be subject to the normal planning processes. Any unauthorised development could lead to enforcement proceedings by the Council.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal development is consistent with the development plan as a whole and should be allowed. The Council has not requested that any

planning conditions be imposed as the proposal is retrospective. I have not found any conditions to be necessary. As such, I have therefore allowed the appeal based on the submitted plans.

G Sylvester

INSPECTOR