



Appeal Decision

Site visit made on 7 February 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/X1545/W/23/3322071

**Land adjacent to Fieldway, Station Road, Wickham Bishops, Essex
CM8 3JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Salisbury against the decision of Maldon District Council.
 - The application Ref is FUL/MAL/22/00935.
 - The development proposed is agricultural building for viticulture and use of field as vineyard.
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Decision

1. The appeal is allowed and planning permission is granted for agricultural building for viticulture and use of field as vineyard, at Land adjacent to Fieldway, Station Road, Wickham Bishops, Essex CM8 3JN, in accordance with the terms of the application, Ref FUL/MAL/22/00935, subject to the conditions in the attached schedule.

Preliminary Matter

2. Although the decision notice for the planning application refers to drawing reference PL-03 Rev A, the Council has confirmed that the revision under consideration at the time of determination was PL-03 Rev B. The appellant has corroborated this. I have therefore determined the appeal against PL-03 Rev B.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - highway safety and efficiency.

Reasons

Character and appearance

4. The appeal site lies in the open countryside to the north of Station Road, from which it is accessed. Station Road is a characteristically rural country lane bound by mature hedgerows. To the east of the appeal site are some residential properties that lie close to the road and are highly visible from it, including some ongoing construction work at the time of my visit. There are other residential properties on both sides of Station Road in the vicinity of the site that are set back from the road to varying degrees, with gated entrances and high hedgerow boundary treatments screening views of many properties.

5. Both main parties refer to planning permission Ref FUL/MAL/22/01249. This was granted following refusal of the scheme subject to the appeal, and both schemes occupy the same site and share some similarities. I have been provided copies of the decision notice and approved drawings, and based on the available evidence the consented scheme remains extant. Although I must determine the appeal on its own merits, the extant planning permission is a material consideration in my decision.
6. The proposed agricultural building would sit to the south of the appeal site close to Station Road, on land raised slightly above Station Road. Although a mature boundary hedgerow currently exists and there is no indication this would be removed, the building would, in all likelihood, be visible from Station Road.
7. In contrast to the extant planning permission, the proposed building would be set over 2 storeys rather than a single storey. Consequently, it would be taller overall than the approved scheme. Nevertheless, the increased height would be insignificant, and other than the presence of additional high-level windows, the additional storey would not be strongly perceptible.
8. The elevation facing Station Road would feature a central gable projection, which would project slightly closer to the road and result in a greater overall massing than the consented scheme when viewed from the road. However, the increased massing would be insignificant, and the building would have an inherently traditional agricultural appearance that would not appear alien in its rural surroundings, particularly given the presence of existing residential development nearby.
9. The Council considers the proposal does not justify why a second floor is needed, and consequently why the proposed height is necessary. Nevertheless, the Council accepts that, by virtue of its use, the principle of the development in the countryside would be acceptable. Because I have identified no harm resulting from the proposal to the character and appearance of the area, I do not find it necessary to consider the issue of need further.
10. For the reasons given above, the proposal would not harm the character or appearance of the area and would accord with Policies S1, D1 and S8 of the Maldon District Approved Local Development Plan 2014–2029 (the LDP), which together seek, in respect of this issue, for development to maintain the rural character of the district without compromising the identity of its individual settlements, for development to respect, enhance and make a positive contribution to character and local context, and for development in the countryside to only be supported in certain circumstances and where it does not adversely impact upon its intrinsic character and beauty.

Highway safety and efficiency

11. The Council's concern in respect of this issue relates to a lack of information regarding details of proposed vehicle types and movements, parking provision, turning space and access to the local highway network.
12. The submitted details illustrate the development would be served by a hardstanding and turning area, and the existing vehicular access to the site from Station Road would be used. At the time of my visit Station Road was very quiet, with only occasional passing traffic, and I have no reason to

consider this was an atypical scenario. Although the specific details relating to highway movements are limited, given the scale of the development and the nature of the site I am not persuaded that the proposal would have any specific adverse effect on highway safety or efficiency. Moreover, the proposed layout, access and parking/turning areas are broadly the same as the extant planning permission.

13. For the reasons given above, the proposal would not harm highway safety or efficiency, and would accord with Policies D1 and T2 of the LDP, which together seek, in respect of this issue, for development to create and maintain an accessible environment, to provide safe access to accommodate the type and amount of traffic generated, and to provide sufficient parking facilities.

Conditions

14. The Council has provided a list of suggested conditions that I have considered against the provisions of paragraph 56 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (the PPG). To ensure compliance with these provisions I have amended, and in some cases omitted, certain conditions.
15. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty.
16. A condition requiring the submission of further details of external materials is necessary in the interests of the character and appearance of the area. A condition requiring the submission of a surface water and foul drainage strategy is necessary to protect the living conditions of neighbouring occupiers and minimise the risk of surface water flooding. A condition requiring the submission of a construction management plan is necessary to ensure highway safety and protect the living conditions of neighbouring occupiers.
17. The Council has suggested conditions limiting the building only to be used as ancillary and incidental to the use of the site as a vineyard, and for certain permitted development rights to be removed. The PPG advises that conditions restricting permitted development rights or changes of use may not pass the test of reasonableness or necessity. In this case, I am provided with limited justification for these conditions, and I do not consider them to be reasonable or necessary.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – PL-01 Rev A
Block Plan – PL-02 Rev A
Proposed plans and elevations – PL-03 Rev B
- 3) Prior to the commencement of the development hereby permitted a construction management plan shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development above ground level shall take place until details of the surface water and foul drainage schemes to serve the development have been submitted to and approved in writing by the local planning authority. The approved schemes shall be implemented prior to the first occupation of the development.
- 5) No development above slab level shall take place until written details or samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**** End of conditions ****