



Appeal Decision

Site visit made on 25 June 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/C1570/W/23/3331541

Newport Road, Saffron Walden, Easting: 553082 Northing: 236654

- 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 Tilman Behrens (Longrove Farms Ltd) against the decision of Uttlesford District Council.
 - The application Ref is UTT/22/3020/FUL.
 - The development is a proposed agricultural access.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed agricultural access at Newport Road, Saffron Walden, Easting: 553082 Northing: 236654 in accordance with the terms of the application, Ref UTT/22/3020/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Additional plans showing landscaping, vegetation removal and sight lines were provided by the appellant following the determination of the application. Whilst the Council did not provide an additional statement or comment on this new information, I am satisfied that it had the opportunity to do so.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the countryside through the loss of the boundary hedgerow.

Reasons

5. The appeal site is a small area of land on the western edge of a field adjacent to Newport Road. The area in question comprises the land needed to form the new access and is a linear portion of hedgerow and part of the field itself. The area in the vicinity is comprised of open fields which are typically bounded by mature hedgerows and trees. Except for a few other small accesses and a notable gap further to the north, the hedgerow along this part of Newport Road is largely intact between Saffron Walden and the brick and flint wall to Shortgrove Park.
6. The proposed access would require the complete removal of a section hedgerow together with trimming of it to both sides to allow a visibility splay.

This would be detrimental to the character and appearance of the area and would remove a part of the hedgerow that contributes to the rural charm of the locality. Although the existing hedgerow is species poor, its value here is its contribution to the rural setting as opposed to its biodiversity merit.

7. However, I am mindful of the need for this access and that it is required to provide a satisfactory access to this agricultural holding which otherwise does not benefit from a connection to the highway without utilising third party land. It can therefore be concluded that there is a reasonable and demonstrable justification for this access.
8. Policy S7 of the Uttlesford Local Plan 2005 (ULP) sets out that development in the countryside will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development, in the form proposed, needs to be there. In this case, there would be harm to the character and appearance of the countryside. However, the new access supports a rural farming operation which is otherwise constrained by limited access to the highway network. Balancing the harm to the countryside against the benefit to the farming enterprise and rural economy, I conclude that the limited harm that would be caused by the new access and its visibility splay is outweighed by the benefits. The development therefore complies with the provisions of ULP policies S7 and ENV8.

Other Matters

9. Although not expressed as a concern by the Council, I am aware of the proximity of the site to Shortgrove Park which is a Grade II registered Park and Garden. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of this heritage asset. In making this assessment I have had regard to paragraph 205 of the Framework. In this case, the small scale and distance of the proposed development from the heritage asset would have a neutral effect and, therefore, would not cause harm to it.
10. In reaching this decision I have had regard to the comments of interested parties. I have considered the level changes, loss of hedgerow and effects on highway safety however these issues, whilst of importance, are not of sufficient weight to change my reasoning here. This is because I have recognised the visual effects in my reasoning above and have further concluded, based on the evidence and advice of the Highway Authority, that the development would not be detrimental to highway safety.

Conditions

11. The Council did not provide a schedule of conditions in relation to this appeal. However, as the application was recommended for approval, I have used the conditions given in the committee report as a basis for conditions here, taking into account the Council and appellant's comments on them and I have imposed all the conditions with modifications for clarity.
12. Condition 1 is a general time limit condition and is required by the Town and Country Planning Act 1990. Condition 2 relates to adherence to the approved

plans and I have modified this to make specific reference to the plans for certainty.

13. Conditions 3 to 6 (inclusive) are highway relevant conditions and I have imposed these without amendments in the interests of the safety and convenience of highway users and of the access.
14. Condition 7 relates to ecological and biodiversity matters and this is imposed to ensure the development does not adversely affect protected and priority species and to comply with ULP policy GEN7.
15. I have modified condition 8 to refer to the landscaping details provided with the appeal. This ensures that vegetation loss is minimised and replaced where possible along with ensuring sight lines from the access are maintained. This is in the interest of the character and appearance of the area and highway safety.

Conclusion

16. The proposed development would cause some limited harm to the character of the area due to the loss of the hedgerow. However, balanced against the benefits to the farming enterprise and rural economy, the development complies with the development plan. The material considerations do not indicate that a decision should be made other than in accordance with the development plan and the appeal is allowed.

Nick Bowden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawing nos. Location Plan (unreferenced), AMA/21361/SK005, AMA/21361/ATR001, CHEF 599 3-001 A, CHEF 599 3-002, CHEF 599 3-003.
3. Prior to the first beneficial use, the vehicular access shall be constructed at right angles, appropriate radii and width to accommodate the swept path of all vehicles regularly accessing the site for the intended purpose, to the highway boundary and to the existing carriageway, and shall be provided with an appropriate dropped kerb vehicular crossing of the highway verge.
4. Prior to the first beneficial use, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 160 metres in both directions as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
5. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 15 metres from the back edge of the carriageway.
6. No unbound material shall be used in the surface treatment of the vehicular access within 15 metres of the highway boundary.
7. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (Samsara Ecology, September 2022) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
8. The development shall be landscaped in accordance with plan CHEF 599/3-003. All planting, seeding or turfing and soil preparation comprised in the above details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings, the completion of the development, or in agreed phases whichever is the sooner, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.

End of Schedule