



Appeal Decision

Site visit made on 28 October 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th December 2024

Appeal Ref: APP/Z1510/W/24/3341213

Yorneys, Shalford Green, Shalford, Essex CM7 5AY

- 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 Paul McLaren against the decision of Braintree District Council.
 - The application Ref is 23/02563/FUL.
 - The development is described as 'change of use only from agricultural land to residential garden land and retrospective planning for storage shed'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states the development was completed on the 2nd June 2018. During my visit, I noted that the storage shed and its position accord with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.

Background and Main Issues

3. The Council's reason for refusal refers to the site being considered as both agricultural land and a garden extension. However, the description of development refers to the change of use from agricultural land to residential garden. As such I have assessed the appeal based on the description of development in the banner heading and the plans before me. Accordingly, the main issues are:
 - whether the countryside location of the site is suitable for the development; and
 - the effect of the development on the character and appearance of the surrounding countryside.

Reasons

Countryside Location

4. The site is located beyond any settlement boundary and is therefore within the countryside as defined in the Braintree District Local Plan 2013-2033 (BDLP). Policy LPP1 of the BDLP details that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes to protect the intrinsic beauty of the countryside.

5. The appellant refers to the primary objective of current countryside policy being to maintain openness. However, this does not align with Policy LPP1 which seeks to confine uses to those that are appropriate to the countryside. Nor does the National Planning Policy Framework (The Framework) refer to openness outside of the context of the green belt.
6. It has not been demonstrated that the development would be used for a use appropriate to the countryside. In addition, the scheme results in the loss of agricultural land, which is an appropriate use in the countryside. Whilst the description of development refers to a storage shed; the use has not been specified beyond this.
7. During my visit I noted that the building is used as a store /workshop in connection with the appellants business. This use would not be considered appropriate to the countryside and would be more akin to general storage or an ancillary residential use.
8. For the reasons given above, I conclude that the countryside location is unsuitable for the development. It is therefore contrary to Policy LPP1 of the BDLP, which seeks to restrict development outside development boundaries to uses appropriate to the countryside, whilst also protecting and enhancing valued landscapes, to protect the intrinsic beauty of the countryside.

Character and appearance

9. The appeal site is a piece of agricultural land located opposite the dwelling known as Yorneys. It lies on the northern side of a private lane accessed from Shalford Road with properties on its southern side. The northern side of the lane is free from built form with the exception of the storage shed that is the subject of this appeal.
10. A strip of land runs adjacent to the northern section of the lane and in front of an agricultural field. This strip is largely characterised by long grass and vegetation. The verdant undeveloped rural nature of the north of the lane, positively contributes to the character and appearance of the surrounding countryside.
11. The change of use of the land to residential garden, with its maintained lawn and storage shed introduces built form and a distinctly different character of use compared to the prevailing undeveloped rural character of this part of the lane. As such the development fails to harmonise with the character and appearance of the surrounding countryside.
12. Despite external materials being appropriate, the storage shed is inconsistent with the prevailing pattern of development as built form does not characterise the northern side of the lane. Whilst the shed is visually subordinate to the overall site area, it is large and due to its position and scale, it is not in keeping with other non-residential buildings in the locality which are positioned to the rear of properties.
13. Conditions could prevent further built form, residential paraphernalia and propose landscaping. However, this would not address the harm arising from the presence of the storage shed or the maintained appearance of the land that appears incompatible when viewed alongside the more natural appearing agricultural land. Whilst the physical and topographical nature of the site

would remain preserved, the altered appearance of the land results in an incongruous visual presence.

14. Reference is made to the site having domestic proportions. However, the lane separates the land from the dwelling and the main property already has a large rear garden. Consequently, the additional garden area is not read in connection with the host dwelling and results in a disproportionately large plot which fails to successfully integrate into the landscape.
15. For the reasons given above, I conclude that the development has an unacceptable effect on the character and appearance of the surrounding countryside. It is therefore contrary to Policies LPP41, LPP52 and LPP67 of the BDLP. These policies amongst other things require garden extensions to be proportionate with no adverse impact on the countryside, buildings to be in harmony with the character and appearance of the surrounding area and development to successfully integrate into the local landscape.

Other Matters

16. Reference is made to Policy LPP36 of the BDLP; which refers to residential alterations and buildings. Given that the description of development refers to the change of use being from agricultural land, the storage shed cannot be considered as a residential outbuilding. As such this policy is not relevant to the main issues in the appeal.
17. It is not disputed that the use would not constrain or interfere with the agricultural use of the neighbouring land, but this neither justifies the development nor negates the harm identified.

Conclusion

18. The development conflicts with the development plan as a whole and the material considerations before me do not indicate that the appeal should be decided other than in accordance with it. Accordingly, I conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR