



Appeal Decision

Site visit made on 18 December 2024

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2025

Appeal Ref: APP/C1570/W/24/3345615

Land South of the B1256, Little Dunmow, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Alice Hawkes against the decision of Uttlesford District Council.
 - The application Ref is UTT/23/2986/OP.
 - The development proposed is erection of 2No. agricultural buildings and associated hard standing to provide a grain, fertiliser, machinery store, workshop and office.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 2No. agricultural buildings and associated hard standing to provide a grain, fertiliser, machinery store, workshop and office at land south of the B1256, Little Dunmow, Essex in accordance with the terms of the application, Ref UTT/23/2986/OP, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the address of the site from the decision notice and appeal form as this more accurately describes the location.
3. The application is made in outline, with all matters reserved for future consideration. I have therefore considered the layout and elevation plans submitted with the appeal as indicative only. As such, the concerns the Council raises with respect to the siting, size and scale of the proposed development in its reason for refusal and with regard to the appearance of the proposal and the ability of landscaping to mitigate its effects in its officer report are not within the scope of this decision.
4. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. I have not sought further views from the main parties as those parts of the Framework most relevant to this decision have not been materially altered. I will refer to the updated paragraph numbers.

Main Issue

5. The main issue is whether the site is a suitable location for the proposal with respect to the policies in the development plan for the location of development in the countryside.

Reasons

6. Uttlesford District Local Plan 2005 (LP) Policy S7 sets out that planning permission will only be given for development in the countryside that needs to

take place there or is appropriate to a rural area. This proposal is for two agricultural buildings to serve an existing agricultural enterprise. It is therefore to be expected that such buildings would need to be located in the countryside and would be appropriate in a rural area.

7. LP Policy S7 further sets out that the appearance of development must either protect or enhance 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. These factors are not able to be fully assessed at this outline stage, however I must be satisfied that there is no reason in principle that the proposed development could not accord with at least one of these criteria.
8. The site lies in the open countryside between the B1256 and the A120. It is within a working landscape where agricultural buildings, sometimes in relative isolation, form part and parcel of the character and appearance of the area. The construction of new agricultural buildings would not in principle be uncharacteristic of the area. This is a point acknowledged by the Council.
9. The site occupies an elevated position relative to the roads, albeit in an undulating landscape. My site visit was during winter when vegetation was not in leaf so allowed for greater visibility of features and structures in the landscape. It was possible to see the A120, and a bridge over it in the distance from the B1256. The site would be visible as drivers travel along both main roads, but such views would likely be limited due to the passing nature of vehicle movements and the undulating landform. Passing views of agricultural buildings are not uncommon in rural areas.
10. The officer report refers to open elevated areas with long views of ancient woodland as being characteristic of the area. There is no evidence before me that the site lies within such a view, or that it would be considered a valued landscape.
11. The appellant has submitted considerable evidence as to the financial pressures facing the enterprise and how the proposal would support its effective operation into the future. The Council considers that cost savings to the business would be private benefits to the appellant only. However, in light of the uncertainties around farming subsidies and the potential risk this poses to the enterprise, there would be wider public benefits arising from allowing a proposal which would support the continued operation of the enterprise.
12. The appellant has previously sought permission for agricultural buildings at Cowlands Farm¹ which was refused and dismissed on appeal. The evidence before me set out the considerations, such as proximity to the road network, which have informed the choice of site and other locations within the holding that have been considered.
13. Taking these factors together, in light of the advice in paragraph 88 of the Framework with respect to supporting a prosperous rural economy, I am satisfied that the appellant would be able to demonstrate that there is a need for the development to be in this location. It would fall to be considered at the reserved matters stage whether the form proposed was acceptable.

¹ Appeal Ref: APP/C1570/W/21/3285250 dismissed 16 November 2022

14. I therefore conclude that the site would be a suitable location for the proposal with respect to the policies in the development plan for the location of development in the countryside. It would be in accordance with LP Policy S7 which allows development in the countryside which needs to take place there or is appropriate to a rural area.

Other Matters

15. There would be modest environmental benefits from the reduced travel duration to take the produce to effective, modern storage facilities. This would lend support to the proposed development.
16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting. To the east of the appeal site lies 6 and 7, Stebbing Ford (or Bridge Farmhouse). Also to the east, but on the opposite side of the B1256 lie 5 Stebbingford Cottages, 4 Stebbingford Cottages and Little Blossom. All of these are Listed at Grade II and their significance lies in their historic fabric and evidence of the historic pattern of development in the area. Their setting is informed by the surrounding agricultural landscape. However, the proposal would have a neutral effect on that setting due to its agricultural use and the undulating landform which limits the visual interconnection between the properties. This constitutes a lack of harm and is therefore a neutral factor in this appeal.
17. Concern has been raised about the potential for future changes of use, however I must determine the appeal that is before me. There is no detail as to which permitted development rights should be considered for removal.
18. The officer report also refers to adverse environmental effects arising from the introduction of hardstanding and loss of arable farming land. However, it is necessary for farming enterprises to have appropriate buildings to support their operation and there is a degree of inevitability that this may involve the loss of arable land. In any event, this loss would be minor in the context of the extent of the holding.

Conditions

19. The Council has suggested conditions should I be minded to allow the appeal. I have had regard to these in light of the tests set out in paragraph 57 of the Framework and the advice in the Planning Practice Guidance (PPG) on the use of conditions. I have made some revisions to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework. In particular, a number of suggested conditions include detailed lists of information requirements. I have omitted these so that the parties can agree the precise requirements based upon relevant guidance and site circumstances at the time the details are agreed.
20. In the interests of certainty and to define the terms of the permission, I have imposed conditions relating to outline permission stipulating the timescale for the commencement of works, submission of the reserved matters and approved plans.

21. The finding of the Low Impact Ecological Impact Assessment are time limited and that time has expired. It would therefore be necessary for further survey work to be carried out and for a biodiversity enhancement strategy (BES) to be secured. I have amended the requirements for the content of the BES to ensure that it is reasonable for this scale of development. Matters related to drainage are outwith the scope of reserved matters and so must be secured at the outline stage. It is reasonable and necessary to ensure that surface water is appropriately managed.
22. It is reasonable and necessary to mitigate the impacts of construction on the living conditions of surrounding residents and to ensure there is not an adverse effect from surface water run off. These can be effectively managed through a single condition. It is also reasonable and necessary to ensure that the proposal would not result in adverse noise and light effects to occupiers of neighbouring properties. It is only necessary for this information to be submitted prior to the installation of any such lighting.
23. As the site lies within an area with the potential for archaeological remains to be present, it is reasonable and necessary to secure provision for recording and mitigation. I have amended the proposed condition to ensure its provisions are reasonable and respond to the particular circumstances of this site.

Conclusion

24. For the reasons given above the appeal should be allowed.

Jennifer Wallace

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) No development shall take place until a review of the ecological mitigation measures recommended by the Low Impact EcIA (Hybrid Ecology Ltd., December 2023) has been submitted to and approved in writing by the local planning authority. The review shall be informed by further ecological surveys commissioned to: i. establish if there have been any changes in the presence and/or abundance of protected and Priority species and ii. identify any likely new ecological impacts that might arise from any changes. If no changes are identified, the development shall be carried out in accordance with the mitigation measures contained in the Low Impact EcIA. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation shall be included in the review. The development shall be carried out in accordance with the approved scheme.
- 5) No development shall take place until a Biodiversity Enhancement Strategy (BES) has been submitted to and approved in writing by the local planning authority. The BES shall be prepared by a suitably qualified ecologist in line with the recommendations of the Low Impact EcIA (Hybrid Ecology Ltd., December 2023). The content of the BES shall include detailed designs and/or product descriptions for the enhancement measures, details of their proposed location and details of initial aftercare and long-term maintenance. The development shall be carried out in accordance with the approved details and the enhancement measures retained and maintained thereafter.
- 6) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and,
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be carried out in accordance with the approved details. The sustainable drainage system shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 7) An acoustic assessment covering all proposed noise-generating fixed plant (in line with the methodology of BS 4142:2014) shall be submitted to the local planning authority for approval prior to the development commencing, along with a scheme of mitigation to ensure that: 1) at any time the plant rating level calculated according to BS4142:2014 shall not exceed the measured typical day and night-time LA90 background levels at any noise sensitive receptor, and additionally, 2) that the measured or calculated plant specific noise level (i.e. in the absence of any rating penalties) does not exceed 5 dBA below the typical day and night-time LA90 levels [subject to a lower specific noise level requirement of 30dBA] at any noise sensitive receptor. Once approved the scheme of mitigation shall be implemented in full prior to the use commencing and permanently maintained thereafter and replaced in whole or in part as often is required to ensure compliance with the noise levels.
- 8) No development shall take place until a Construction and Demolition Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall:
 - i) specify the provisions to be made for the control of noise and dust emanating from the site and shall be consistent with the best practicable means as set out in the Uttlesford Code of Development Practice.
 - ii) Include a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollutionThe approved Statement shall be adhered to throughout the construction period.
- 9) Details of any external lighting to be installed on the site, including the design of the lighting unit, any supporting structure, and the extent of the area to be illuminated, shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. Only the details thereby approved shall be implemented.
- 10) No development shall take place until:
 - (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

End of Conditions