



Appeal Decision

Site visit made on 4 March 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th March 2025

Appeal Ref: APP/Z1510/W/24/3343861

Land Opposite Brooks Farm, Tumblers Green, Stisted, Essex CM77 8BA

- 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 Kieran Donnelly-Shard against the decision of Braintree District Council.
 - The application Ref is 24/00113/FUL.
 - The development proposed a polytunnel.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a plot of land located within a wider agricultural field, covered by an Article 4 Direction which restricts permitted development rights. The plot is unoccupied with a hedge along the shared boundary with Byway 10, a public right of way. The open and undeveloped nature of the plot and the surrounding land contribute positively to the character and appearance of this rural area.
5. The Council also indicate that according to the District's Landscape Character Assessment (2006) the appeal site is within the High Garrett/Markshall Wooded Farmland Character Area which is characterised by medium to large arable and pastoral fields set within a mostly strong structure of woodland blocks and low well-trimmed hedgerows.
6. Due to the flat, open nature of the site and the position of roads and public rights of way, along with the scale of the proposed polytunnel, the proposed development would be a highly visible addition to the site, appearing as a prominent and incongruous addition to the landscape due to the lack of surrounding development.

The appellant indicates that the polytunnel would be dark green in colour to blend into its surrounds and would be screened by trees. However, it would still likely be visible, to some extent, from surrounding vantage points and any planting would contribute to the enclosure of the site and loss of its open character.

7. It is noted that the polytunnel is intended to be used for agricultural purposes, namely the cultivating of agricultural produce and that a polytunnel is generally in keeping with the agricultural use of the land. However, any development on the site, particularly that as prominent as the large structure proposed, would result in the loss of the current open nature of the appeal site to the detriment of the character and appearance of the area and the wider landscape character area.
8. Therefore, for the reasons above, the proposed development would result in harm to the character and appearance of the surrounding area and would conflict with Policies SP7, LPP1, LPP52 and LPP67 of the Braintree District Local Plan 2013-2033. These policies collectively seek to ensure that new development reflects the area's local distinctiveness, responds positively to local character and context to preserve and enhance the quality of existing places and their environs, with development outside of development boundaries protecting the intrinsic character and beauty of the countryside and informed by, and sympathetic to, the character of the landscape.

Other Matters

9. In the original application the polytunnel and surrounding land was intended to be used for home gardening of fruits, vegetables and herbs for personal consumption. However, in representations that form part of this appeal, the appellant has made it clear that they now intend to farm the land, growing potted trees and plants to sell, and have acquired additional land to do this. The appeal process should not be used to evolve a scheme, nonetheless, the use has no bearing on my findings as part of this appeal and would not alter the harm identified in relation to the main issue. Furthermore, the location of the additional land acquired is unknown and it does not form part of the appeal site and therefore I have not taken it into account as part of this appeal.
10. It is noted that the appellant considers that the proposal would promote sustainable living, enhance the local ecosystem and contribute to the agrarian economy including the use of organic farming practices, tree cultivation, water conservation and the support of local fauna and flora. However limited information has been provided to demonstrate how the proposal would achieve this and, due to the scale of the proposal, any such benefits would be limited. Therefore, these benefits do not outweigh the harm identified.
11. The personal circumstances of the appellant and the reason for the application are noted. However, I see no evidence as to why it is necessary for such a use to be located on the appeal site and why it could not be accommodated elsewhere. Therefore, this need is given limited weight and would not outweigh the harm found.
12. The access to the appeal site is noted and the appellant has confirmed that there would be no hardstanding for parking on the site and no obstruction to Byway 10, which runs adjacent to the plot. However, the Council have not included this as a reason for refusal and therefore this matter has no bearing on my consideration of the appeal or the main issue outlined above.

Conclusion

13. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR