
Appeal Decision

Site visit made on 23 April 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/W1525/W/24/3357031

Land Adjacent Chestnut Cottage, A2 Oak Meadow Vineyards, Holybread Lane, Little Baddow, Chelmsford CM3 4BW

- 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 Whetstone against the decision of Chelmsford City Council.
 - The application Ref is 24/00605/FUL.
 - The development proposed is the erection of agricultural barn and greenhouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2012 (ref 12/01334/FUL) for the erection of an agricultural barn and green house. The permission has expired, although it is a consideration in the determination of this appeal.
3. With the appeal, the appellant has provided a Biodiversity Net Gain (BNG) calculation according to the metric, which confirms a 35% net gain on site. The Council has confirmed that it no longer wishes to defend this reason for refusal, and I have therefore not included it as a main issue.

Main Issues

4. The main issues are:
 - whether there is a justified need for the appeal proposal with reference to the Council's approach to development in the Rural Area; and,
 - the effect of the appeal proposal on the character and appearance of the landscape.

Reasons

Justified Need

5. The appeal site is currently overgrown shrubland, with evidence of a small number of surviving vines. It appears as a parcel of open and undeveloped countryside. There is a single storage container on site which the Council indicates is unauthorised. The land is not in active viticultural use.
6. The proposed barn and attached greenhouse would be located towards the south-eastern corner of the site and used for the storage of machinery and a general store as well as for pressing, fermentation and bottling for the harvest from the 1.47ha

vineyard. The appearance, scale and location of the barn and greenhouse would be the same as that granted planning permission in 2012.

7. The appeal site falls within the 'Rural Area' as defined by the Chelmsford Local Plan adopted 2020 (the Local Plan). Policy DM8 of the Local Plan states that within the Rural Area, new buildings and structures will be granted permission where development will not adversely impact on the identified intrinsic character and beauty of the countryside. The policy applies to identified categories of development, including agriculture and forestry or the sustainable growth and expansion of an existing, authorised and viable business where it can be demonstrated that there is a justified need.
8. The supporting text of DM8 clarifies that new buildings and structures will be assessed to ensure that they are proportionate in size and scale in relation to their intended use and that evidence may be required to demonstrate the requirement for a building of the size proposed. I do not consider that the wording of Policy DM8 should be interpreted as having the meaning that any new building in connection with agricultural use would not be subject to demonstrating there would be a justified need. The policy is in line with the aims of the National Planning Policy Framework (the Framework) insofar as it seeks to support a prosperous rural economy and recognise the intrinsic character and beauty of the countryside.
9. A building of the size proposed would not be required for the initial operating period of the vineyard given the supporting evidence indicates the first substantive harvest would be at 3-5 years after planting. Nevertheless, the machinery and other materials required for cultivation of the land would need to be stored from the outset and the appellant indicates there is a history of theft from the storage container on site. I acknowledge that in the absence of any alternative location for the storage of equipment necessary for cultivation, it would be logistically difficult to cultivate the land. However, the evidence before me does not support a current justified need for a building of the size proposed. Additionally, I do not consider the proposed building would be the only alternative solution to provide sufficient storage of machinery to enable cultivation of the land for the first few years of operation.
10. The permission granted in 2012 followed an appeal decision (ref APP/W1525/C/11/2164565) in relation to the two storage containers on the land (one of which remains). In dismissing the appeal, the Inspector acknowledged that the land at that time was in active agricultural use, going on to state "without some form of secure storage facility this fledgling enterprise cannot progress". However, as it stands, there is no indication that the land has been maintained or prepared for the future cultivation of grapes, which was not the case at the time of the 2012 planning permission where there was active viticulture on site.
11. There appear to be conflicting accounts of the success of the vines originally planted which the Council states were 'unsuccessful'. The appellant has provided photographs showing some grapes on vines in October 2012. However, there is little substantive evidence regarding whether the grape harvest was of a suitable quality or quantity to ultimately lead to successful wine production. Similarly, although the evidence indicates that soil testing was undertaken prior to the original vine planting, with subsequent verbal confirmation 2 years ago, there is little substantive evidence of any up-to-date assessment in this regard, accounting for any changes in site circumstances.

12. For the reasons set out above, I do not consider there is sufficient evidence of a current justified need for a permanent building of the size proposed in connection with viticultural production. Consequently, the proposal would be contrary to Local Plan Policy DM8 insofar as it allows for new development in the Rural Area in relation to agriculture and forestry or the sustainable growth and expansion of an existing, authorised and viable business where it can be demonstrated that there is a justified need.

Character and Appearance

13. The appeal site is rural in character. It comprises land bordered by Holybread Lane to the north and Colam Lane to the south. A Public Right of Way (PRoW) runs directly adjacent to the eastern boundary of the site. The land is in an open, elevated position, with clear views into the site from Holybread Lane. The land runs downhill towards Colam Lane where from where views are more restricted given the vegetation along the lane. There are also views to the appeal site from a PRoW on elevated land on the opposite side of Colam Lane.
14. The building would be located towards the south-eastern corner of the site. Due to the topography, there would be a semi-exposed basement to the Colam Lane side of the building, accessed via an opening with roller shutters. The building would be served from both accesses, with the existing gates from Holybread Lane being located around 14m back into the site. The access tracks and area around the barn would be laid with shingle.
15. Although it would be set well back from Holybread Lane, the building would be clearly visible in the landscape in views through the field gate from Colam Lane and from the PRoW both adjacent to the site and from where the PRoW runs uphill on the opposite side of Colam Lane. The proposed building would introduce an urbanising form of development within a rural landscape. Without clear justification for a permanent building of this size in relation to a viticultural use on site, there would be harm to the rural character of the landscape.
16. The rural character of Colam Lane and Holybread Lane is enhanced by the existing native hedgerows and trees bordering the lanes. The extent of Leyland Cypress as shown on the drawings would surround the site and I noted on my site visit that planting had already taken place. Leyland Cypress is not a native species of hedge and would be an intrusive addition which would be harmful to the character of the landscape in this location. The screening effect and security benefits of the Leyland Cypress would not overcome the harm that I have identified to the landscape arising from the proposed building and planting.
17. In conclusion on this main issue therefore, the proposed permanent building and its associated landscaping would harm the intrinsic character and beauty of the countryside, running contrary to Local Plan Policies S11 and DM8. Taken together and amongst other things, they seek ensure new development will not adversely impact on the identified intrinsic character and beauty of the countryside.

Other Matters

18. On the opposite side of Holybread Lane lies the Grade II listed building of Holybred Farmhouse and associated traditional outbuildings including a thatched roof barn which the Council considers are curtilage listed. The significance of the building is derived from its vernacular architecture including its timber frame, along with its

grouping with the farm outbuildings and verdant, rural setting. It is principally experienced in views from Holybread Lane.

19. I have had regard to the statutory duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) with respect to the desirability of preserving the setting of Holybred Farmhouse and outbuildings. There would be some intervisibility between the appeal site and the listed building. However, given the location of the appeal proposal in the south-eastern section of the site, the intervening vegetation and the distance from the listed building, I consider the proposal would preserve the setting of the listed building and the contribution the setting makes to its significance. A lack of harm in this respect, however, does not alter my overall conclusions.
20. I note the appellant has clarified that the vineyard would typically require 3-4 regular deliveries per week of vines, equipment and other supplies, with a maximum of 2 per day. The Council has found the proposal acceptable in relation to highway safety, and I have no substantive evidence before me to contradict this estimate of delivery frequency or to indicate that site access from the highway would be unsafe. The Council also considers that the proposals would be acceptable in relation to the effect of the proposal on the living conditions of nearby residents and Biodiversity Net Gain. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance and Conclusion

21. There would be socio-economic benefits arising from the proposals, including employment through the construction and up to 5 full-time equivalent jobs through the subsequent operation of the building and vineyard. It would align with the Framework insofar as it seeks to enable a prosperous rural economy. There would also be biodiversity benefits including a Biodiversity Net Gain of 35% improvement over baseline.
22. Nevertheless, the proposal would introduce a permanent building of substantial size to serve land which currently is not in viticultural use. The evidence provided is not sufficient to demonstrate that there is a current need for a building of the size proposed, particularly in relation to supporting initial cultivation over the first few years of operation. A permanent building of the scale proposed, on land that is not in active viticultural use, along with the extensive planting of Leyland Cypress, would harm the intrinsic beauty and character of the countryside in this location. The benefits identified would not be sufficient to overcome the harm I have identified to the Rural Area and the character of the landscape.
23. Taken together, this draws the proposal into conflict with the development plan read as a whole. The material considerations in this case, including the Framework, do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR