



Appeal Decision

Site visit made on 6 May 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2025

Appeal Ref: APP/Z1510/W/24/3353197

Gulls Meadow, Woodhouse Farm Road, Tumblers Green CM77 8FP

- 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 Mark Nicholls against the decision of Braintree District Council.
 - The application Ref is 24/01106/FUL.
 - The development is an agricultural storage barn.
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Decision

1. The appeal is allowed, and planning permission is granted for an agricultural storage barn at Gulls Meadow, Woodhouse Farm Road, Tumblers Green CM77 8FP in accordance with the terms of the application, Ref 24/01106/FUL and the plans submitted with it, subject to the following condition:
 - 1) The building hereby permitted shall be used for agricultural storage and ancillary residential and general storage only.

Preliminary Matters

2. As the barn has been constructed, I am considering this appeal retrospectively. Since the appeal was submitted a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

Main Issue

3. The main issue is whether the location of the site is suitable for the development, having regard to the Council's spatial strategy and the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site boundary is tightly drawn. It is located within a generally enclosed field that is separated from the road by an established hedge, bounded by a belt of trees to the south eastern boundary and hedges and mature trees to the north. It is part of a wider site that has planning permission for a mixed use for the keeping of animals, as a residential caravan site for one gypsy family with a total of three caravans and one storage container, and for storage purposes.
5. It lies outside of any settlement limit and is in the countryside. Policy LPP1 of the Braintree District Local Plan 2013-2033 (BDLP) seeks to limit new development outside of settlement boundaries to uses appropriate to the countryside that protect the intrinsic character and beauty of the countryside. The policy does not define what uses may be considered to be appropriate in the countryside.

6. The barn is used for the storage of hay and various weather sensitive agricultural equipment. There is also evidence that the barn is additionally used for the storage of other non-agricultural items that are similarly weather sensitive, including car batteries and machinery that has a high re-sale value, that have previously been stored outside at the site. In this way, the barn is used for storage associated with the mix of uses permitted at the wider site, which a previous Inspector¹ has found to be compatible with its countryside location. I have no clear reason to disagree. This leads me to conclude that the use of the barn is suitable for the site's countryside location in principle.
7. The Council indicate that it has not been shown that the building is used in connection with an agricultural operation. However, it is not clear why this is necessary given that the policy test is whether the development is an appropriate use in the countryside, which I have found to be the case for the reasons above.
8. Section 336 of the Town and Country Planning Act 1990 defines agriculture as including activities such as the use of land for seed growing, grazing, breeding and keeping of livestock. While the site is not solely in agriculture use, agricultural activities take place at the site in accordance with the permitted mix of uses. Even though at certain times of the year there will be limited amounts of hay stored in the barn as the previous year's crop is used up before the current year's crop is cut, several other farming items would still be stored in the barn. This scenario was observed at the time of my site visit. On this basis the main purpose of the barn is for agricultural storage. Even if an element of ancillary storage takes place associated with the other uses permitted at the site, it has not been shown that storage associated with these uses would be inappropriate in the countryside.
9. While it may be that there are no policies within the BDLP that support the construction of commercial buildings within the countryside, the appeal development is not a commercial building, it is a storage building associated with the uses that the land has planning permission for. In any event, there is a restrictive condition imposed on that planning permission stipulating that no commercial activity shall take place on the site.
10. The barn is located centrally within the field, however, it is sited adjacent to the access track and reasonably related to the existing uses at the site on the opposite side of the track. It does not therefore harmfully encroach into the field. It is not disputed that the development's appearance is characteristic of an agricultural barn, and it is my view that its scale and massing is not dominant within the context of the wider site. In coming to this conclusion, I have taken account of the development's size which is smaller in scale than barns typically seen in the countryside. While the top of the barn is visible from the road it is seen against a backdrop of trees and any views of the development from the road are filtered by the landscaping. For these reasons, the development is not visually intrusive. Therefore, the intrinsic character and beauty of the countryside is protected, as required by the development plan.
11. To conclude, the location of the site is suitable for the development, having regard to the Council's spatial strategy and the effect of the development on the character and appearance of the area. The development therefore accords with BDLP Policy

¹ Appeal Ref: APP/Z1510/C/19/3223665, as referred to by the Appellant and the Council.

LPP1, insofar as this policy requires development to be of a use appropriate to the countryside and protects the intrinsic character and beauty of the countryside.

12. BDLP Policy LPP7 is also included on the decision notice. However, as it relates to the conversion and re-use of buildings in the countryside it does not fit the nature of the appeal development. It has not therefore been determinative in my decision.

Conditions

13. To ensure that the barn is used in association with the uses permitted at the site, and therefore appropriate in the countryside, it is necessary to impose a condition to restrict the use of the building. While the Council have indicated that the use of the barn should be restricted to solely agricultural purposes, given my findings on the main issue above there is no substantive evidence to indicate that this is necessary to make the development acceptable.

Conclusion

14. For the reasons given above, the development is in accordance with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison

INSPECTOR