



Appeal Decision

Site visit made on 11 June 2025

by **S Rawle BA (Hons) Dip TP Solicitor**

an Inspector appointed by the Secretary of State

Decision date: 24th June 2025

Appeal Ref: APP/Z1510/W/25/3358832

Land South of Rosemary Farm, Rosemary Lane, Castle Hedingham, Essex CO9 3AJ

- 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 J Wright of JSN Vintage Motorcar Engineering Ltd against the decision of Braintree District Council.
 - The application Ref is 24/01333/FUL.
 - The development proposed is for two storage containers.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have made a slight amendment to the description of development included on the application form to remove any reference to matters that are not acts of development. That said, the containers are already located on site and I have determined the appeal on that basis.
3. During the appeal process the appellant submitted a revised plan which included some landscaping proposals and included an annotation titled amendment to south boundary. The Planning appeals: procedural guide (the procedural guide) makes it clear that the appeal process should not be used to evolve a scheme. However, it sets out that where amendments are proposed despite the general principle it will be necessary to decide whether exceptionally to accept them.
4. There are two tests to consider which are the substantive and the procedural tests. The proposed amendments would result in the introduction of a number of trees and an area proposed for long grass and wildflowers. There does seem to be some ambiguity about whether the new landscaping proposals fall within the red line boundary, and it appears that the appellant proposes to amend the south boundary. It follows that the proposed landscaping plan would result in a substantive and material amendment to the development.
5. Moreover, although it is clear that the Council are aware of the proposed change as they make reference to it in their appeal statement, they point out that there has been no consultation with the Council's ecological and arboricultural officers and I do not consider that the Council has an obligation to request further comments from their officers. Further, no formal re-consultation has taken place. Consequently, I am concerned that some interested parties who may have wanted to comment on the amended scheme may not have had the opportunity to do so. As a result, I

consider that to accept the amended plan as part of the appeal process could lead to procedural unfairness.

6. Consequently, I have found that the proposed amendments fail both the substantive and the procedural tests and therefore it would not be appropriate for me to determine the appeal on the basis of the amended plan.

Main Issue

7. The main issue is whether or not the appeal site is an appropriate location for the containers having regard to the development plan policies relating to development within rural areas and their impact on the character and appearance of the area.

Reasons

8. The appeal site is located within the open countryside outside development boundaries where Policy LLP 1 of Braintree District Local Plan 2013-2033 adopted February 2021 (BDLP) sets out that outside development boundaries development will be confined to uses appropriate to the countryside whilst also protecting its intrinsic character.
9. The appeal site contains an existing steel profile clad building (steel-clad building) used for vintage vehicle and agricultural repairs allowed on appeal¹.
10. The steel-clad building is located in the northern part of the appeal site and is served by an existing area of hardstanding which provides access to the steel-clad building as well as providing a parking area. The hardstanding area and the area to the north of the appeal site have a commercial appearance.
11. I accept that the previous Inspector found that the steel-clad building was not overly large and had a neutral impact on the character and appearance of the area. However, the containers are located in the southern part of the appeal site. In contrast to the northern area, although there are some agricultural vehicles parked there, as well as piles of gravel and some wood, the feel of this part of the appeal site is materially different. For example, the containers are surrounded by grass with a backdrop of mature vegetation.
12. Notwithstanding the existing items on this part of the appeal site, in combination with the open agricultural land to the east the southern part of the appeal site has a much greater appearance of open countryside which creates a sense of verdant spaciousness. Consequently, this area makes an important contribution to the character and appearance of the area.
13. The containers are utilitarian in appearance and do not represent a structure of high architectural quality. As a result, they look incongruously placed within a previously open rural area. As a result, they detract from the prevailing sense of openness and harmfully undermine the sense of verdant spaciousness. It follows that they do not respond positively to the local character or context, do not protect or enhance the natural environment and are not sympathetic to the character of this part of the countryside.
14. I acknowledge that the containers are well screened from Rosemary Lane and views from this road are limited. However, the incongruous nature of the

¹ APP/Z1510/W/23/3321252.

containers is apparent to anyone visiting the business. In any event, the lack of public views does not justify harmful development at the appeal site.

15. The National Planning Policy Framework (the Framework) sets out that planning decisions should help create conditions in which businesses can invest, expand and adapt and that storage and distribution operations should be provided at a variety of scales in suitable locations.
16. I acknowledge that the containers are used for storage, and observed that the smaller container was storing a variety of items including a bike, filing cabinets, some file boxes, hydraulic oil, some other flammable liquids and some machinery. The larger container was storing a dumper truck. Although, I appreciate that such storage would provide some benefit, based on the available evidence I am not persuaded that there is such a need to store those items in that location to outweigh the harm the proposal has on the character and appearance of the area. At the time of my site visit I observed that four vintage cars were parked within the steel-clad building and there was space for further items to be stored.
17. I accept the appellant's evidence that it is not currently possible to store fuel, waste oil and other flammable materials in the main workshop. It is not for me to suggest an alternative way to safely store such materials, however, I observed that those items take up a relatively small part of the storage capacity of the containers. Consequently, when balanced against the harm they have on the character and appearance of the area the storage of those items does not justify the retention of two such large containers on the appeal site.
18. Similarly, I acknowledge that due to rural crime it is important to keep valuable items securely stored. However, I observed that there is space for a number of vehicles to be securely parked in the steel-clad building and given its size other items of value could be stored in that building. While I acknowledge that it may not be possible to store all of the items currently stored in the containers without compromising the designated use of the steel-clad building, the need to prevent any opportunity for crime in this location although an important material consideration does not outweigh the harm the containers have on the character and appearance of the area.
19. The Framework seeks the achievement of sustainable development. Among other things that means that sufficient land of the right type is available in the right place to support growth, that supports well-designed beautiful places, and that development protects the natural environment. Given the unacceptable harm the proposal would have on the character and appearance of the area, retention of the containers in this location would not meet any of those objectives.
20. I therefore conclude that the appeal site is not an appropriate location for the containers having regard to the development plan policies relating to development within rural areas and their impact on the character and appearance of the area. Consequently, the development does not accord with Policies SP1, SP7, LPP1, LPP52, LPP63, and LPP67 of the BDLP. Among other things these policies set out the presumption in favour of sustainable development, that development should respond positively to local character and landscape context, should protect the intrinsic character and beauty of the countryside, that buildings and structures should be of a high architectural quality and development should protect and enhance the natural environment.

Conclusion

21. The development conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal should be dismissed.

S Rawle

INSPECTOR