



Appeal Decision

Site visit made on 14 July 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th July 2025

Appeal Ref: APP/Z1510/W/25/3360138

Newhouse Farm, Little Maplestead Road, Gestingthorpe, Halstead, Essex CO9 3AS

- 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 Cutter against the decision of Braintree District Council.
 - The application Ref is 24/00597/FUL.
 - The development proposed is for a detached single storey outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As the proposal is in the setting of a Grade II listed water pump and Grade II listed Tudor Lodge Barn, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the location of the site is appropriate for the development having regard to development plan policies, and
 - the effect of the proposal on the Grade II listed water pump.

Reasons

Location

4. The site is located beyond any settlement boundary and is therefore within the countryside as defined in the Braintree District Local Plan 2013-2033 (LP). Policy LPP1 of the LP sets out that development outside development boundaries will be confined to uses appropriate to the countryside whilst also protecting and enhancing valued landscapes to protect the intrinsic character and beauty of the countryside.
5. Part g, of Policy LPP36 of the LP states that in the countryside, new outbuildings should be well related to the existing development on the site and within the curtilage of the dwelling.
6. The proposal is for an outbuilding to store tractors and equipment used to maintain the appellants land, marked as 'amenity land' on the submitted plan. Whilst the appellants statement of case indicates that the outbuilding is for agricultural

purposes in maintaining an agricultural parcel of land, the original design and access statement indicated that the site is used for domestic purposes only and does not form part of a commercial or agricultural unit. From my observations on site and the limited substantive evidence before me to indicate otherwise, such as an agricultural holding certificate, I am not satisfied that the proposal is for agricultural purposes. The use appears to be akin to ancillary use to the main dwelling. Considering the above, I find that it has not been demonstrated that the proposal would be for a use considered appropriate to the countryside.

7. Despite the submitted location plan stating that the land within the red line is residential curtilage, I have no substantive evidence before me to indicate that this is the case. The land where the outbuilding would be located is distinctly separated, in part by the driveway, from the garden to the side and rear of Tudor Lodge where I observed there to be typical domestic paraphernalia. The proposed outbuilding would be set away from the main dwelling, located in a corner of the land marked as 'amenity land' on the submitted site plan, partially screened from the main dwelling by hedgerow, located between the proposed access road and access road to the dwelling. Given the siting of the proposal within the amenity land, away from the main dwelling, and with limited substantive evidence before me to indicate it would be located within the curtilage of the dwelling, I find the proposal would conflict with part g of Policy LPP36.
8. For the reasons given above, I conclude that the countryside location is not appropriate for the development, in conflict with Policy LPP1 and part g of Policy LPP36 of the LP.
9. Policies SP7 and LLP52 of the LP have been cited on the decision notice in relation to this main issue. However, these policies relate primarily to design and are therefore not determinative on this main issue. In the Councils officer report and statement of case, the Council has raised no issue with the design and appearance of the proposal. The proposed outbuilding would be of a simple utilitarian design, constructed of metal cladding with a large roller shutter door and pitched roof of a modest size. As the building would be viewed in the context of the larger utilitarian barn to the rear, the design would not be out of keeping and its design would be appropriate for its rural context.

Water pump

10. A Grade II listed water pump that is no longer operative, is located in the vicinity of the proposed outbuilding and access track. Its significance is derived in part from its historic interest as a 19th century cast iron water pump with fluted head and finial. The water pump is located near to a point where a proposed vehicular access track from the proposed outbuilding, would meet the existing driveway. The Council are concerned that use of the proposed track would leave the water pump vulnerable to vehicle strikes, with no mitigation measures proposed.
11. While the pump is close to the point where the driveways meet, I find that it is not so close that vehicles from the proposed outbuilding would strike it. This is because it is set very close to the hedge, and whilst near to the point at which the driveways meet, it is not directly adjacent. From what I observed on site, vehicles would have to be turning extremely tight to the hedge to strike it. Given the large amount of turning space from the existing driveway opposite the proposed vehicular access

and even considering that the vehicles are larger and typically less manoeuvrable than a car, I find such a manoeuvre would be extremely unlikely.

12. Moreover, the equipment proposed for the outbuilding is already on the appeal site, used for the maintenance of the land. Thus, the equipment would not typically be passing the water pump on the way to the exit of the site. Any vehicular movements past the water pump would be no different or of increased frequency than the existing situation.
13. Given the context above, I find the pump would be no more at risk than the current situation. As such, mitigation measures would not be necessary and there would be no harm to the Grade II water pump from the proposal. It would therefore accord with Policy SP7 of the Braintree District Local Plan 2013-2033 (LP) which seeks to ensure proposals protect and enhance assets of historical value and Policy LPP57 which, amongst other matters, has similar aims.

Other Matters

14. The proposed outbuilding would be in the setting of the Grade II listed Tudor Lodge Barn. This is a 16th century timber framed weatherboarded barn with hipped roof. The significance and special interest of this is in part derived from its age and architectural composition with clasped-purlin roof. The proposed outbuilding is to be constructed from coated steel sheeting, giving the appearance of a modern agricultural building, similar to the large agricultural building adjacent to the appeal site. The proposal, whilst modern in appearance, would remain in keeping with the rural setting of the listed building. As such, it would preserve the rural setting of the nearby Grade II listed Tudor Lodge Barn.
15. I note that a garage/cartlodge has been recently granted permission to the west of Tudor Lodge. Whilst I have limited information on the exact siting of it, the design and access statement indicates it will be located within the formal garden area of the main residential property, much more closely related to the residential property. It thus does not appear directly comparable to the proposal before me. As such I afford this limited weight.
16. I acknowledge that the proposal would provide cover for the equipment from the elements, with a greater level of security. The appellant also considers it would provide significant visual enhancements. The proposed site is currently occupied by machinery and several shipping containers. Whilst it would provide a visual enhancement over the existing containers, I have limited information before me on the lawful status of these. As such I only afford this limited positive weight, which would not be sufficient to overcome the identified policy conflicts.
17. At the pre-application stage the Council outlined that they could not be satisfied the outbuilding would be acceptable in principle and would require further detail. Based on the information submitted at the application stage the officer report deemed that the proposed personal use and siting outside of the curtilage made the proposal unacceptable in principle. I therefore do not find the decision inconsistent with the advice given. Moreover, I am mindful that pre-application discussions are informal and not binding on any future decision the local planning authority may make once a proposal has been subject to the formal planning process.

Conclusion

18. I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR