



Appeal Decision

Site visit made on 15 July 2025

by **J Bowyer BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/P1560/W/25/3360725

Land East of Rush Green Road, Clacton on Sea, Essex CO16 7BL

- 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 A Brown, A H Brown Farms against the decision of Tendring District Council.
 - The application Ref is 24/01286/FUL.
 - The development proposed is 'change of use of agricultural land to facilitate the use as a dog walking field including access upgrade, establishment of the car park and perimeter fencing'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area and (ii) the effect of the proposal on agricultural land.

Reasons

Character and Appearance

3. The appeal site is located beyond the defined Settlement Development Boundary of Clacton-on-Sea within a Strategic Green Gap as designated in the Tendring District Local Plan 2013-2033 and Beyond Section 2 (adopted 2022) ('the S2LP').
4. As part of a large agricultural field with tree and hedgerow boundaries, the site has a pleasant and distinctly open and rural character and appearance. Sitting within a swathe of predominantly open land, it also contributes to the impression of a clear gap between built up areas within Clacton-on-Sea and Jaywick.
5. As proposed, the majority of the site would remain open and undeveloped. The existing access from Rush Green Road would be upgraded and widened to serve a gravel parking area, but this would be of limited size and set close to the road such that there would be only modest encroachment into the countryside. The height of these alterations at ground level would further moderate their visual impact.
6. However, the proposal additionally includes 2m high fencing around the perimeter of the site and parking area. The galvanised wire mesh panels of the fence would allow some views through. Nevertheless, the relatively closely spaced wires would still have a clear visual presence and there would additionally be solid timber posts at regular intervals along the significant length of the fenceline. The result would be a marked feature in the landscape which would diminish openness and the existing rural quality of the area. Furthermore, the materials may not be unusual within a

rural area, but the height of the fence would be much greater than is typical of fences to field boundaries in my experience, and would notably exacerbate the visual impact of the fencing.

7. At the time of my visit, vegetation along the roadside past the site was relatively low. Based on my observations, the fence would be readily visible including from Rush Green Road alongside the site and points further along the road towards Clacton-on-Sea where it would be clear in views across the adjacent agricultural land. The appellant refers to potential planting around the site but no firm details have been provided and it appears from the submitted plans that any planting outside of the fence would be beyond the appeal site boundary, albeit on land shown to be within the appellant's control. In any event, noting the significant height of the fence and that foliage is typically reduced in winter months, I consider that landscaping would be unlikely to effectively screen it. Instead, the fencing would remain a conspicuous and incongruous feature within its surroundings.
8. There is existing development in fairly close proximity, but intervening open land provides separation such that the site would be viewed and appreciated as somewhat set apart from nearby development. The provision of 6m buffers around much of the site boundary to allow hedgerow maintenance would further exacerbate the impression of a discrete and isolated parcel.
9. Given these factors, I find that the proposal taken as a whole would result in an awkward and urbanising incursion into the countryside which would detract from the rural character and appearance of the area. Notwithstanding that the majority of the site would remain open, the incursion would also diminish the open and undeveloped character of this part of the Strategic Green Gap and the impression of a visual break between settlements causing some, albeit limited, erosion of its role and function in preventing coalescence.
10. The effect would be localised, but I conclude for these reasons that there would be unacceptable harm to the character and appearance of the area. The proposal would conflict with Policy SP 7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021 and Policy SPL 3 of the S2LP which include requirements broadly for development to protect, enhance and respond positively to local character and the quality of the local environment, as well as Policy PPL 6 of the S2LP insofar as it seeks the protection of Strategic Green Gaps. The proposal would also fail to recognise the intrinsic character and beauty of the countryside as sought by the National Planning Policy Framework ('the Framework').

Agricultural Land

11. The appellant does not dispute that the appeal site is classified as 'best and most versatile agricultural land'. However, while the appeal proposes a non-agricultural use of the site, physical alterations would be very limited and would predominantly comprise the installation of perimeter fencing and a gravel parking area with upgraded highway access. These would affect only a very small proportion of the site which is itself a relatively modest area in the context of wider agricultural land in the locality and I consider that the overall effect on available agricultural land would be negligible.
12. The nature of the limited physical alterations further means that they would be unlikely to have any meaningful effect on the quality of the land, and they would be easily reversed. I acknowledge that the development proposed is permanent rather

than temporary, but it seems to me that the site could therefore be returned to agriculture with little difficulty in future should circumstances change.

13. Moreover, the Framework supports development and diversification of agricultural and other land-based rural businesses. Although there is no firm evidence that the site could not viably be put to agricultural use, the appellant indicates that the proposal is part of a diversification strategy to support the overall viability of a farming business. There is little detail to indicate the extent of any contribution, but I do not doubt that it could generate at least some additional income which could support the business and so ongoing agricultural use of the wider holding.
14. For these reasons taken together, I conclude that there would not be an unacceptable loss of agricultural land and that the proposal would adequately recognise the economic and other benefits of best and most versatile agricultural land as sought by the Framework.

Planning Balance and Conclusion

15. Policy PP13 of the S2LP and the Framework provide general support for growth of the rural economy and farm diversification. The proposal could generate additional income and the appellant refers to employment opportunities. However, there is little detail before me. Given the small scale of the proposal, I consider that the extent of these benefits would be likely to be limited and while it may support a farming business, there is no substantive evidence demonstrating that the long-term viability of the enterprise is dependent on the proposal.
16. The proposal could offer a service to dog owners within the local community, and I have also noted the potential for biodiversity net gain as part of development. Even taken together however, I find that the benefits of the proposal would be insufficient to outweigh the degree of harm that I have identified would be caused to the character and appearance of the area.
17. In my assessment, the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
18. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR