



Appeal Decision

Site visit made on 10 July 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/W1525/W/25/3363045

Highwater Farm, The Common, East Hanningfield, Chelmsford, Essex CM3 8AH

- 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 Elteam Limited against the decision of Chelmsford City Council.
 - The application Ref is 24/01653/FUL.
 - The development proposed is retrospective application for resurfacing an existing farm track and the installation of safety lighting.
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Decision

1. The appeal is allowed, and planning permission is granted for retrospective application for resurfacing an existing farm track and the installation of safety lighting at Highwater Farm, The Common, Chelmsford CM3 8AH in accordance with the terms of the application, Ref 24/01653/FUL, and the plans submitted with it.

Preliminary Matters

2. I have noted from my site visit that the development had already been implemented and I observed no obvious differences between this scheme and that shown on the appeal plans. For the avoidance of doubt, I have determined the appeal from both my observations on the ground and the plans before me.
3. The appellant considers that, barring a 1.2metres section adjacent to the highway, the appeal scheme is permitted development. The Council disputes this on the basis that it has not been demonstrated that the development relates to or is reasonably necessary for the purposes of agriculture within that unit. This matter is not before me, and I am therefore determining the appeal based on the main issue.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site sits in a rural landscape surrounded by agricultural land. There are numerous mature shrubs, hedges and trees along the site's boundary on Main Road. The settlement of East Hanningfield lies a short distance away.
6. I accept that the hardening of the access track and provision of lighting has led to somewhat of an urbanising effect of what was previously, according to the parties, an unmade track synonymous with rural areas. However, I do not find it to be

particularly harmful in this instance and, consider that the use of the tar and chip material on it is not wholly an alien feature in rural areas.

7. In any event, I have observed a few other tracks in the vicinity with varying degrees of access materials. Furthermore, the track was only readily apparent when viewed immediately outside the area and not visible from wider distances. The fact that the track remains a single access retains the feeling of an access in a rural setting.
8. The lighting columns by reason of their height and appearance, are in my judgement decorative and harmless additions, which I accept would assist with safety. I find that they are compatible aspect against the access track and cannot be compared with a more suburban street lighting.
9. I have also considered the Council's statement that narrowing the access would make it harder for agricultural vehicles and machinery to manoeuvre. The appeal site is built with a vehicle passing place midway plus a vehicle turning area at its eastern periphery. Hence, these facilities would assist the farm vehicles in manoeuvring with ease and safely.
10. The Council has mentioned that the increase in the width of the access to create a passing place further accentuates the amount of uncharacteristic development which encroaches on the rural character of the area, and that in the hours of darkness, any vehicles using the access would be able to see the length of the straight access track using their headlights. I have observed that vehicles moved at fast pace on the adjoining Main Road despite its restricted width and bendiness in proximity of the appeal site and considered this aspect of the farm track as safeguarding highway safety in this locality.
11. Also, the Council has disputed the appellant's statement that the upgraded track would minimise the dust dispersal associated with the previous access track, which was deemed as a health risk to both livestock and people, including young children accessing this site. I have observed horses on the southern side of the farm track, meandering from the mid-point of the western side of the farm up to its uppermost eastern end. In my opinion, without constant watering of the old farm track during dry seasons, curtailing the spread of dust and the resultant health implications to animals and visitors on the appeal site could be challenging.
12. For these reasons, I find that the development would not be harmful to the character and appearance of the rural area. Therefore, it would not conflict with Policies DM10 and S11 of Chelmsford Local Plan (Adopted 27 May 2020). Together these policies state that when determining planning applications, the Council will carefully balance the requirement for new development within the countryside to meet identified development needs in accordance with the spatial strategy, and to support thriving rural communities while ensuring that development does not have an adverse impact on the different roles and character of the countryside and the intrinsic character and beauty of the rural area outside the Green Belt.
13. I have noted that the Council has not proposed any conditions. I concur with the Council that as the scheme is already in place, the imposition of conditions is unnecessary.

Conclusion

14. For the reasons given above, the appeal should be allowed.

A Oyeade

INSPECTOR