



Appeal Decision

Site visit made on 4 November 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2025

Appeal Ref: APP/A1530/W/25/3372754

Lions Farm, Langham Lane, Boxted, Essex CO4 5HY

- 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 S Bays of VR-TV Ltd against the decision of Colchester City Council.
 - The application Ref is 250519.
 - The development proposed is the erection of Class B8 storage and distribution building with associated parking and turning facilities including minor widening of access driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that its reference to the Parish of West Bergholt in its reason for refusal was in error and should refer to the Parish of Boxted. I am satisfied that neither party would be prejudiced by my determination of the appeal on this basis.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development having regard to relevant development plan policies for development in the countryside; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Suitable location

4. Policy SG1 of Colchester Borough Local Plan 2017-2033 (the CBLP) defines the spatial strategy for the Borough, setting out that growth will be located at the most accessible and sustainable locations in accordance with the spatial hierarchy. There is no dispute between the parties that the appeal site is within the countryside, which is at the bottom of this hierarchy. In such locations, Policy OV2 is applicable.
5. Policy OV2 of the CBLP supports proposals for sustainable rural businesses provided they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts, and harmonise with the local character and surrounding countryside where they are being proposed. This policy signposts to Policy DM6 of the CBLP which defines the approach to economic development in rural areas and the countryside and sets out circumstances where such development will be supported.

Similar themes to these policies are reflected in Policy SB1 of the Boxted Neighbourhood Plan 2014-2029 (the BNP) which, amongst other things, supports small-scale rural businesses that are appropriate to local employment needs.

6. The appeal scheme proposes the erection of a building for B8 (storage and distribution) use. The Planning Statement explains the building is required to provide additional floorspace for the company that occupies the existing building to the north-west. However, the appellant's evidence confirms that due to delays obtaining planning permission, the intended occupier of the proposed building is preparing to vacate the site. No alternative occupier is identified within the evidence. The appellant also confirms that the site is not a registered agricultural holding, and no evidence is presented that the development is required to help sustain an existing agricultural enterprise. As such, the scheme does not represent a farm diversification project.
7. The scheme therefore represents a new rural employment building which part D of Policy DM6 states will only be supported in exceptional cases where there are no appropriate existing buildings, there is no available employment land in the locality, and a site/area specific business need has been adequately demonstrated.
8. The building would provide approximately 411sqm of gross internal floor space which would not be dissimilar in scale to the existing building on site, which was approved for mixed-use agricultural and B8 use. There is no substantive evidence which demonstrates how a building of this scale would meet an identified local employment need or that considers the availability of existing employment land in the locality. Whilst the policy does not seek to define an area of search, no evidence of any consideration of the availability or suitability of existing or allocated employment sites, as set out under Policy SG3 of the CBLP, has been presented. The responsibility of which rests with the appellant. Nor has it been adequately demonstrated that there are site or area specific business needs that require the development to be located on the appeal site, within the countryside.
9. Based on the evidence before me, this appeal is for a speculative business operation in the countryside, and the building would not be of an insignificant scale when compared to the existing building on site or the overall site area. No evidence of a local employment need has been provided either. Therefore, I cannot conclude that the proposal would be of an appropriate scale to meet the needs of a sustainable rural business or would meet local employment needs. Even though the site may be relatively close to Colchester and the A12, the Highway Authority have not objected to the proposal and the scheme would make a more effective use of land, based on the evidence before me, the appellant has not successfully demonstrated that the development would represent a sustainable rural business that requires a countryside location. Exceptional circumstances to justify the development have therefore not been demonstrated and thus the appeal scheme fails to satisfy the requirements of the abovementioned policies.
10. Moreover, even if I were to consider the scheme as the expansion of an existing business, the appellant has not demonstrated that there is an identified need for the proposal and that it is essential to the operation of an established business on the site. It is also unclear from the evidence whether consideration has been given to the relocation of the business to other available land within a Strategic or Local Economic Area or in a more sustainable location. The scheme would therefore fail to satisfy part E of Policy DM6.

11. The appellant contends that Policy DM6 of the CBLP is inconsistent with the National Planning Policy Framework (the Framework), in particular chapter 6, as it adopts a more restrictive approach to employment development in the countryside. However, while there is support in the Framework for economic growth in rural locations, including adjacent to and beyond settlements (i.e., including the countryside), as set out in paragraph 89, such support is not unequivocal. I also acknowledge that paragraph 87 identifies that the specific locational requirements of different sectors, such as B8 uses, should be recognised. However, the Framework does not state that such development should be unrestricted in the countryside. Instead, paragraphs 88a) and 86a) place the emphasis on *sustainable growth* in rural areas, defined by the Council's economic vision and strategy which should positively and proactively encourage sustainable economic growth.
12. Therefore, while the Framework does not refer to the requirement for exceptional circumstances to be demonstrated for employment development in rural areas or the countryside, it does not preclude the Council for setting a more restrictive approach. The abovementioned policies of the CBLP and BNP, including Policy DM6, do not prohibit economic development in rural areas or in the countryside, but seek to encourage *sustainable* economic growth and direct development in accordance with the Council's economic growth strategy. They also allow for such development in the countryside where specific parameters are met. Notwithstanding any potential amendments that may have been recommended to the Council as part of its future plan review, the current policy approach is consistent with the overarching aims and objectives of Chapter 6 of the Framework. Moreover, as age alone is not a sufficient basis for reducing the weight to be given to development plan policies, the fact that the Council's Development Plan was adopted in 2021 does not alter my conclusions.
13. While the appellant contends that with expected growth forecasts the expansion of local employment should be supported, there is no indication that the development plan fails to provide for economic growth within the Borough or that the employment site allocations are not meeting existing or projected employment needs. I also note that for a period of time there was permission for two buildings on the appeal site. However, there is very limited information before me relating to the permission that was not implemented¹, and note that it is no longer extant. Nevertheless, it appears this was for the storage of farm equipment and machinery and not directly comparable to the appeal scheme. As such, it does not alter my conclusions.
14. For the above reasons, I therefore conclude that the site is an unsuitable location for the proposed development having regard to relevant development plan policies for development in the countryside. This is contrary to Policies SG1, SG3, ENV1, OV2 and DM6 of the CBLP and Policy SB1 of the BNP which together and amongst other things seek to direct economic development and growth to the most accessible and sustainable locations and set out the approach to development in the countryside.
15. While the Council has referred to Policy DM7 of the CBLP, as this relates to farm diversification proposals, it is not determinative in my consideration of this appeal.

Character and appearance

16. The appeal site relates to a parcel of land containing a large metal clad building which is located on a stretch of Langham Lane where nearby development comprises sporadic dwellings and buildings set in mainly open countryside. In the vicinity of the

¹ Council Ref. 212303

appeal site, Langham Lane is bound by hedgerows and collections of trees. However, given the boundaries of the site are relatively open and the adjacent dwelling is single storey, the existing building on the appeal site is visible from various vantage points when travelling along the road. Nevertheless, it is of a scale and appearance that is typical of modern agricultural buildings seen in the countryside and surrounding area.

17. The appeal scheme proposes the construction of a building to the side of the existing building, of a similar scale, form and appearance. The new building would be positioned broadly in line with the existing but located closer towards the highway. Additional landscaping is proposed to the side of the building, and it is proposed to use green cladding to help it assimilate with the site context. However, given the building's scale this would do little to reduce its prominence or screen it from view.
18. The building would be large, overtly modern in appearance and visible at points when travelling along the highway in both directions. However, it would be clustered with the existing building on site and contained within the existing site boundaries, thus reducing any potential encroachment into the surrounding countryside. It would also be of a form and appearance that is typical of modern agricultural buildings and characteristic of rural, countryside locations.
19. For the above reasons, I therefore conclude the development would not harm the character or appearance of the surrounding area. This accords with Policies SP7, ENV1, OV2 and DM15 of the CBLP and SB1 and SM1 of the BNP which together and amongst other things, require development to be designed to a high standard, respond positively to and harmonise with local character, preserve the intrinsic character and beauty of the countryside and ensure that no unacceptable loss of visual amenity arises as a result of commercial development.

Other Matters

20. The appellant refers to the Norwich to Tilbury National Grid 400 kW upgrade project which they contend will affect the value of Lions Farm. However, this matter is not determinative in the consideration of this appeal. The contention that the appeal scheme would release floor space back for the holding's storage needs to allow the appellant to comply with the terms of the original planning permission is not a benefit of this scheme either, as such needs are already provided for by complying with the parameters of the planning permission.

Planning Balance and Conclusion

21. The appeal scheme would deliver economic and employment benefits to the rural economy. However, given the scale of the development, any economic, social or environmental benefits associated with the scheme would be limited and would not outweigh the harm identified.
22. Therefore, for the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

H Whitfield

INSPECTOR