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## Appeal Decisions

Site visit made on 29 January 2019

**by H Miles BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 February 2019**

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### **Appeal A: Appeal Ref: APP/Z1510/W/18/3207018**

#### **Land South of Hedingham Road, Bulmer, Sudbury CO10 7EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr E Whittle against the decision of Braintree District Council.
  - The application Ref 18/00210/FUL, dated 2 February 2018, was refused by notice dated 8 June 2018.
  - The development proposed is erection of storage and workshop building for agricultural contractor.
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### **Appeal B: Appeal Ref: APP/Z1510/W/18/3207019**

#### **Land South of Hedingham Road, Bulmer, Sudbury CO10 7EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr E Whittle against the decision of Braintree District Council.
  - The application Ref 18/00211/FUL, dated 2 February 2018, was refused by notice dated 8 June 2018.
  - The development proposed is new vehicular access.
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### **Decision**

1. The appeals are dismissed.

### **Procedural Matters**

2. During the consideration of this appeal the revised National Planning Policy Framework (the revised Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the revised Framework to this case. I have taken any comments received into consideration and I have assessed this appeal in light of the revised Framework.

### **Main Issue**

3. The main issue in relation to Appeal A and Appeal B is whether the appeal site would provide a suitable location for the development proposed having particular regard to the effect of the proposed development on the landscape character and appearance.

### **Reasons**

4. Together, Policy RLP2 of the Braintree District Local Plan Review, Adopted Plan July 2005 (the Local Plan) and Policy CS5 of the Braintree District Council Local Development Framework Core Strategy (2011) (the Core Strategy) seek to

support development within the 'Town Development Boundaries' and 'Village Envelopes'. Policy CS5 goes on to state that outside these boundaries development should be for 'uses appropriate to the countryside, in order to protect and enhance the landscape character... and amenity of the countryside'.

5. The site lies outside the built up area boundaries as defined by Policy CS5 of the Core Strategy. It comprises an open field bounded by hedgerow, trees and vegetation on three sides, and incorporates an existing access from Hedingham Road. The boundary treatment fronting this part of Hedingham Road is generally vegetation with some openings for accesses to properties and land. The appeal site is part of a larger plot including open grassland with some existing buildings. A bridleway runs along the boundary broadly to the west. Notwithstanding the limited amount of built development on the other side of Hedingham Road, including residential properties opposite, the site its character, in the main, from its direct association with the adjoining open countryside land which provides its setting.
6. These applications are for a B8 'Storage and Distribution' use in the countryside (with incidental B2 use), and an associated access. Although I am provided with a list of items that would be stored, I am not presented with any mechanism to secure that storage would be restricted to those on that list – or indeed restricted to only those associated with agriculture or other use appropriate to the countryside. Therefore I am not presented with evidence that persuades me that the proposed storage and workshop use would be appropriate to the countryside.
7. The proposed building and access route would result in a substantial built form within the countryside. Regardless of the materials proposed, the introduction of the building and access providing a use which I find not to be appropriate to the countryside would introduce a more developed nature to this currently open site. This would be harmful to the open countryside character of the site, failing to protect and enhance the area's landscape character.
8. In relation to Appeal B, a part of the hedgerow would need to be removed to create the proposed access. The access shown on the plans (including the extent of hedging to be removed) would appear to provide reasonable visibility for drivers exiting the site, and I am not presented with substantive evidence to persuade me otherwise. As such, the relatively small opening in the hedge as proposed would be in keeping with the character and appearance of boundaries fronting this part of Hedingham Road. For these reasons I do not find that the proposed loss of hedgerow would be harmful to the character and appearance of the area.
9. Whilst I do not find harm in relation to the loss of hedgerow, this does not overcome the harm to the area's landscape character identified above.
10. I note that the detailed design of the building is not in dispute between the main parties and that the Council's landscape services did not object to the application. I also note that the building would be partially screened by hedges, although it would be visible in some public viewpoints, particularly through the proposed access. Nevertheless, these issues do not overcome my concerns relating to the harm to the landscape character relating to the presence of built form on what is currently an open site.

11. For these reasons, therefore, the proposed development would not provide a suitable location for the development proposed given the harmful effect it would have on the landscape character and appearance. Consequently, in that regard, it would conflict with the following policies: Policy RLP2 of the Local Plan and Policy CS5 of the Core Strategy, the aims of which are set out above, and Policy CS9 of the Core Strategy, in part, in that it seeks to secure high standard of design and layout in all new development, and to the relevant advice in the Framework.

### **Other Matters**

12. I note that the proposed development would provide a more secure place for the storage of items that are currently housed elsewhere on the site. However this benefit would primarily be for the individual benefit of the appellant, and as such this does not outbalance the wider harm to landscape character identified above. I am also aware that the Parish Council did not object to the proposed building, although they did object to the proposed access, nevertheless, this is a neutral point that does not weigh in favour of the development.
13. My attention has been drawn to another agricultural building nearby. However, I am not provided with the full details of this case and therefore I afford limited weight to these specific circumstances.
14. I understand that the arrangement proposed is as envisaged in the appellant's late father's will. Although I have sympathy with this position, this is not something to which I can afford significant weight in the determination of a S78 appeal.
15. While I am aware of the appellant's concerns regarding the Council's handling of the planning application, they do not alter my assessment of the planning merits of the proposal.

### **Conclusion**

16. For the above reasons, Appeal A and Appeal B are both dismissed.

*H Miles*

INSPECTOR