
Appeal Decision

Site visit made on 13 December 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th December 2016

Appeal Ref: APP/W1525/W/16/3157570

Longcroft, Dowsett Lane, Ramsden Heath, Chelmsford, CM11 1JN

- 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 V Hall against the decision of Chelmsford City Council.
 - The application Ref 16/01001/FUL, dated 2 June 2016, was refused by notice dated 29 July 2016.
 - The development proposed is described as: *'retention of containers for a temporary period of 8 years (change of use of land for the siting of)'*.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main parties agree that the proposed development would constitute inappropriate development for the purposes of Green Belt policy. I see no reason to disagree given that it does not fall into an exception listed within Paragraphs 89 and 90 of the National Planning Policy Framework (the Framework), nor has any other exception been suggested. The main issues therefore are:
 - The effect of the proposed development on the openness of the Green Belt, and;
 - Whether any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The appeal site is located within the Green Belt, and consists of a number of former agricultural buildings used for storage and workshop space, with concrete aprons surrounding these. These former poultry buildings benefit from a 'personal' permission for the storage and materials in the manufacture thereof (ref 06/00485/FUL)¹. That permission also sets out that no goods,

¹ 06/00485/FUL dated 3 May 2006, for 'Use of redundant farm buildings for the storage of antique furniture (Class B8)', Conditions 02 and 03 – the latter of which states 'The permission hereby given shall endure for the benefit of the applicant, Mr V Hall, only and when the premises cease to be used by him the use hereby permitted shall cease'

machinery, merchandise or materials shall be stored outside the buildings. There is nothing before me which suggests that this permission, and the conditions it contains, is no longer applicable in this case.

4. I also note that there is a Certificate of Lawful Existing Use or Development² (CLEUD) for the change of use of land for the continuous siting of storage containers, as contained within the Council's appendix CCC4. However, at the time of my site inspection, after seeking clarity from the main parties, it was clear that no containers were being stored within the area outlined in red on the drawing submitted as part of the CLEUD. Nevertheless, in itself that is a separate matter between the main parties to consider.
5. The relevance to the appeal scheme is that the proposal seeks a change in the use of the land for a period of eight years to store 35 green coloured containers measuring about 20x8x8 foot (approx. 60 square foot each) according to the appellant.³ However, at the site visit, 40 green containers were present. What is more, 40 containers are shown as black polygons on the submitted drawing HALL-CO-01. It should also be noted that the containers on site were not laid out in the form shown on the submitted drawing. For the avoidance of doubt, I have proceeded on the basis the proposal seeks the change of use of the land for the siting of 40 containers.
6. Policy DC1 of the Core Strategy and Development Control Policies DPD 2001-2021, dated February 2008 (CS), which relates to Green Belts, broadly reflect national Green Belt Policy set out in the Framework; including that inappropriate development should not be approved except in very special circumstances. Paragraph 87 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In particular, Paragraphs 89 and 90 of the Framework indicate limited exceptions to inappropriate development. The change of use of land is not included in either of the exceptions set out in Policy DC1, nor those set out in Paragraphs 89 and 90 of the Framework, and therefore, as indicated earlier in this decision, the proposed development is inappropriate development in planning policy terms.
7. The Framework makes clear at Paragraph 79, that the essential characteristics of the Green Belts are their openness and permanence, so any reduction in these characteristics would also be harmful. In this case, the scale of up to 40 containers, their spread across the site as a whole, and their overall size means that the containers represent an intrusive and incongruent feature into the wider the Green Belt, which the submitted aerial photography indicates was previously devoid of such structures.
8. The appellant points to the fact that they consider the proposal is well screened from the public realm by the coniferous hedging and have submitted *An assessment of the visual impact of use of land for siting of mobile storage containers* dated February 2016. I have taken these factors into account; however visual impact is different from openness – with the latter usually referred to as 'an absence of built form'. Put another way; out of sight does not equate to no infringement of openness, which the proposal would reduce in this case.

² 15/00130/CLUED, Appendix CCC4

³ Appellant's Statement of Case August 2016, unnumbered pages and paragraphs; the figures are those provided in the section entitled 3. Background

Other considerations

9. The appellant has directed me to Paragraph 28 of the Framework, which indicates clear support for a prosperous rural economy. The appellant has indicated that the containers are assessed for non-domestic rates, which is currently £5'500 per annum. The use of the buildings on the appeal site also results in the direct employment of two people locally in the furniture restoration business, and that there are likely to be indirect employment and economic benefits from this rural business. The containers support this activity as they provide covered storage areas. I saw during my site visit that there are a number of permanent buildings on the appeal site also used in the business activity, including the storage of cardboard for packing, for example.
10. There was also a large blue coloured shipping container located on a plinth, which I understand is used for loading items for shipping to the USA, and is collected every few weeks. It is not for me to direct how a business is operated. Nevertheless, with the four main buildings (which include the workshop areas), it is not entirely clear as to why further storage areas in the form of the containers in this case are required or critical to the operation of the business. Be that as it may, the supporting of the rural economy through the use of the containers and the land associated with that, weighs modestly in favour of the proposal.
11. The use of the site for furniture and antique restoration compared to the previous use of the site as a poultry farm has been cited as a positive factor. It is clear from the aerial photographs that the appellant has improved the general appearance of the former poultry farm, and such improvement is laudable. Although in part this is due to different nature of the activity taking place on the site. For example, with no poultry on the site, there is not the associated waste that would need to be stored and removed. What is more, the use changed some years ago, with any such benefits as a result of those changes, rather than what is sought here. Such considerations can be afforded no more than limited weight.
12. The appellant seeks the use of the land for the (retained) siting of the containers for a period of 8 years as this would coincide with retirement plans. I have also considered the various legal cases put forward, where in other cases temporary permissions have been granted in the Green Belt⁴. I do not have the full details of those cases before me, and it is established planning practice that each proposal is considered on its own planning merits, as I have done here. In this respect, I do not find that these examples in themselves provide justification for overcoming the harm I have identified here or weigh in favour or against the proposal.

Conclusion

13. Although the appellant has indicated a willingness that the use of the land for the siting of the containers would only be for a period of eight years, and that this could be personally linked to the appellant, the proposal would nonetheless represent inappropriate development in the Green Belt that would reduce its openness. Paragraph 87 of the Framework is clear in that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, openness is an

⁴ See Appellant's Statement of Case, Section 6. Planning Case

essential characteristic of the Green Belts, so a reduction in that quality would also be harmful.

14. Against this are the benefits arising from supporting the rural economy which lends moderate weight in favour of the proposal and the general improvement of the site which lends limited weight. However, the Framework sets out that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this case, the other considerations in favour of the proposal would not clearly outweigh the substantial harm I have identified to the Green Belt. I therefore conclude that the very special circumstances necessary to justify the proposal do not exist in this case.
15. For the reasons given above, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR