



## Appeal Decision

Site visit made on 13 March 2017

by **Graham Chamberlain BA MSc MRTPI**

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

Decision date: 29<sup>th</sup> March 2017

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**Appeal Ref: APP/C1570/W/16/3165516**

**Land adjacent Willow Cottages, Mill End, Bangers Green Road, Takeley, Essex CM22 6PL**

- 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 Willside Limited against the decision of Uttlesford District Council.
  - The application Ref UTT/16/0691/FUL, dated 10 March 2016, was refused by notice dated 20 June 2016.
  - The development proposed is the change of use of land for the parking and storage of airport related vehicles.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
  - 1) The character and appearance of the countryside; and 2) The living conditions of the occupants of neighbouring properties with particular reference to any noise and disturbance.

### Reasons

*The effect on the character and appearance of the countryside*

3. The appeal site is located on the eastern side of Stansted Airport and occupies a parcel of land sandwiched between Terminal Road South and Bangers Green Road. Terminal Road South marks the boundary of the airport complex. The physical distinction between the airport and the rural landscape around it is reinforced by pockets of dense woodland. Therefore, whilst the presence of the airport is discernible from Bangers Green Road, the airport and its ground activity is not prominent. In fact, the eastern transition from airport to open countryside is reasonably abrupt with little in the way of urban sprawl.
  4. The appeal site is currently used as a car park for the parking and storage of vehicles connected to the use of the airport. The appeal proposal is to retain this existing use. During my site visit I observed that the proposed development has commenced with a large number of vehicles parked within the confines of the appeal site. Vehicles access the appeal site from Bangers Green Road and there is an informal pedestrian path from the appeal site to Terminal Road South. The
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vehicular access is located to the west of Willows Cottages, a pair of semi-detached properties and east of Dormers, a detached house.

5. The parking spaces within the appeal site are unmarked. A very conservative estimate of the number of parked vehicles I observed during my site visit would be around 100. I understand that much of the parking relates to tourists leaving their cars at the site whilst away. The surface of the parking area is a combination of hardcore, gravel and bare earth. The site entrance is marked by green hoarding and behind this I observed two seemingly unused and dilapidated demountable type structures as well as other paraphernalia.
6. The appeal site is located in the Countryside Protection Zone (CPZ), a local designation set out in saved Policy S8 of the Uttlesford Local Plan 2005 (LP). The policy aims to protect the belt of countryside around the airport by containing its sprawl. This is consistent with Paragraph 17 of the National Planning Policy Framework (the 'Framework'), which recognises the intrinsic character and beauty of the countryside. As such, saved Policy S8 can be afforded significant weight.
7. Saved Policy S8 only permits development in the CPZ that requires a rural location. The change of use of the appeal site to a large car park is not, in my view, the type of development that is envisaged in the LP as being acceptable in the CPZ. This is because it has inherently urbanised the site due to the presence of a significant level of vehicle parking and the associated activity and paraphernalia this has entailed. Moreover, given the extensive level of parking within the airport, the proposal is not required to be located in a rural area. I have not been presented with substantive evidence that the appellant has robustly explored other sites, with the appeal site being their only option as a base from which to provide the service they do. Consequently, the appeal scheme must be considered in the context that it would be contrary to saved Policy S8. Nevertheless, a policy conflict alone is seldom sufficient in itself to withhold planning permission. Instead, it is necessary to consider whether the policy conflict has amounted to harm that dictates permission to be withheld.
8. The proposal has resulted in airport related activities sprawling past the boundaries of the airport and into the CPZ. This has resulted in an urbanisation of the appeal site. This is particularly evident along the site frontage due to the presence of hoarding, demountable buildings and other paraphernalia, which significantly detracts from the rural character of Bambers Green Road. This is because these features have a hard, unkempt and discordant appearance that jars with the softer and verdant rural character currently evident to the east of the airport. Moreover, given the close proximity of the appeal site to the airport boundary, the appeal scheme has resulted in a sense of coalescence between the airport and the appeal site.
9. The appellant has suggested that a landscaping scheme could be secured through a planning condition, which would require the site entrance to be redesigned, tidied up and the overall appearance improved. However, no concept or outline details have been submitted. As such, the extent of the works envisaged by the appellant is unclear and thus it is uncertain whether the significantly harmful impacts of the site's frontage could be mitigated. Consequently, I am not satisfied the harmful impacts I have identified can be effectively and properly mitigated through the imposition of a planning condition.

10. The parking area is surrounded by an earth bund, which is a significant engineering operation. Details of this have not been submitted but I would estimate it was around 1.5m – 2m high. As such, the bund screens much of the parking area from public view, although vehicles are still visible from Bambers Green Road through the gap required for the site entrance.
11. The Council have not objected to the presence of the bund and with suitable additional landscaping this could be effective in screening the parked cars within the site from public vantage points and thus partially mitigate the visual impact of the proposal. This would also reduce the sense of coalescence and the impact on the CPZ. This is especially so as there is extensive landscaping to the north east and south west of the appeal site that screens the development as well as hedgerow planting along sections of Bambers Green Road. Together, the existing landscaping and bund limits the visual envelope of the appeal site. However, the bund does not mitigate for the significant visual harm caused by the paraphernalia currently evident along the site frontage as well as views through the site access of park cars.
12. I therefore conclude that the appeal scheme significantly harms the character and appearance of the countryside. This is contrary to saved Policy S8 of the LP, a policy I have already found consistent with the Framework. The proposal would also be at odds with saved Policy T3 of the LP, which seeks to limit car parking associated with the airport outside the airport's limits as a means of protecting the countryside. Policy T3 is also consistent with Paragraph 17 and can be afforded significant weight.

*The effect on living conditions*

13. The appeal site wraps around the side and rear boundaries of 1 and 2 Willows Cottages and is adjacent to the boundary with Dormers. The site entrance, through which all vehicles must enter and exit, is in close proximity to these properties. The bund separates the appeal site from the rear gardens of 1 and 2 Willows Cottages and Dormers but cars are parked adjacent to the bund.
14. The appellant has not clarified the number of vehicles that can be parked at the site at any one time but, as already stated, I observed well in excess of 100 vehicles during my site visit. The Council believes the capacity of the site would be around 300 vehicles. The appellant has not disputed this figure or provided details as to the extent and timings of the daily vehicular movements. Given the number of vehicles I observed, and the reference in the appellant's statement to high booking numbers over a given month at different times of the day and night, I consider that the number of movements into and out of the site would be significant. As such, the short duration of any noise events from the movement of individual vehicles is offset by the frequency of them.
15. Due to the close proximity of the neighbouring properties to the site access, the level of activity within the appeal site and the nature of the business being undertaken throughout the day and night for much of the year, I consider the impact from noise and disturbance results in significant harm to the living conditions of the occupants of 1 and 2 Willow Cottages and Dormers.
16. I have not been presented with any technical evidence to suggest the bund or boundary fencing attenuates the noise impacts to an acceptable level or that the

background noise, including that radiating from the nearby dog boarding kennel, is such that the noise from the movements of cars associated with the activity at the appeal site is not harmful. In any event, the noise from traffic along Terminal Road South is in the distance, as is aircraft noise, whereas noise from the activity in the appeal site is in very close proximity to the neighbours.

17. I therefore conclude that the appeal scheme would significantly harm the living conditions of the occupants of the neighbouring properties contrary to saved Policy GEN4 of the LP, which states development will not be permitted if noise would cause material disturbance or nuisance to the occupiers of surrounding properties. This is consistent with Paragraph 17 of the Framework, which seeks to secure good standards of amenity for existing occupants of land and buildings. As such, saved Policy GEN4 can be afforded significant weight.

### **Other Matters**

18. The appellant considers that the proposal would be sustainable development when having regard to its economic, social and environmental benefits and this justifies the grant of planning permission as a material consideration.
19. The appeal site is located in close proximity to the airport and therefore trips between the appeal site and airport would be shorter than from existing parking areas further from the airport. The proposal could also reduce 'kiss and fly' trips. In this respect the proposal could assist in reducing vehicle emissions – an environmental benefit. However, the supporting text to saved Policy T3 explains that it is necessary to place a control on parking outside the airport to promote public transport to the airport through the airport surface access strategy, the aims of which are consistent with the Framework<sup>1</sup>. The strategy is therefore a material consideration of notable weight.
20. Moreover, visitors to the airport are more likely to travel by public transport or use the car parks within the airport if off-airport parking is restricted. Use of the airport car parks provides a contribution towards a public transport levy, which funds improvements to public transport to the airport. The appeal scheme would not make such an ongoing contribution and the appellant's suggested planning obligation, which would make a contribution towards public transport, is not before me. Consequently, the proposal would harmfully undermine established strategies for managing parking and access to the airport and this is not outweighed by any savings in vehicle emissions, the extent of which has not been quantified. Consequently, the site's location relative to the airport is currently a matter of limited weight in favour of the proposal.
21. The appellant suggests that a restriction on car parks outside the airport is stifling competition<sup>2</sup> to the detriment of the airport's users and that this can result in a situation where demand for car parking exceeds supply and thus higher prices for those wishing to park a car whilst away. However, I have seen no substantive and up to date evidence to support these claims<sup>3</sup> and the Council suggests there is competition between parking operators within the boundaries of the airport. I have no reason to disagree. .

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<sup>1</sup> To promote public transport

<sup>2</sup> As the airport operates disproportionate control over parking

<sup>3</sup> Save for a reference in appeal decision APP/C1570/C/11/2151097 & 2151049, which dates from 2011 and is does of limited weight given the passage of time

22. Notwithstanding this, economic competition and the supply and demand of parking needs to be balanced against other planning objectives including protecting the countryside, the living conditions of neighbours and promoting public transport, all of which would be undermined by the proposal. I therefore afford the increase in competition that has occurred as a result of the appeal scheme limited weight as a benefit of the proposal. The airport may expand in the future creating more demand for parking but I can give very limited weight to what, at this stage, is a hypothetical proposition
23. The proposal would support the rural economy through the provision of jobs and the circulation of funds. However, I am not satisfied these benefits can only be secured from the appeal site, which is within the CPZ and therefore the development of which is contrary to the LP. The appellant suggests alternative sites have been considered but robust evidence to support this has not been submitted. As such, the economic benefits carry only moderate weight as matters in favour of the proposal. Moreover, it is not entirely certain that 25 jobs would be lost as a result of the appeal scheme being dismissed because the appellant has not ruled out the possibility that alternative premises could be found. The appellant suggests the proposal is a farm diversification but there is nothing before me to suggest the site is currently part of a farm.
24. The appellant has suggested that the appeal site has previously been used for the parking and storage of agricultural vehicles and other equipment and for the storage of lorry trailers. The Council have suggested the site was open. Neither of the parties has provided substantive evidence to support their propositions and therefore I have confined my assessment to the impacts of the proposal as it currently is. Thus I am unable to give weight to what the appeal site may have been used for previously.
25. The appellant has referred to other car parking operations nearby, such as that operated from the Stansted Hilton Hotel and two others operating without planning permission. However, it has not been demonstrated that these operations have a comparable harmful impact on the countryside and the living conditions of neighbours. Therefore, the specific circumstances of the appeal site dictate that the appeal scheme should be considered on its own merits in this instance.

## **Conclusion**

26. I have found the appeal scheme to be contrary to the development plan when considered as a whole as it would significantly harm the character and appearance of the countryside and the living conditions of neighbours. An application should be determined in accordance with the development plan unless there are material considerations which indicate otherwise. The moderate overall benefits of the appeal scheme, as material considerations, would not outweigh the significant weight I have attached to harmful impacts of the proposal. As such, the proposal is not sustainable development for which the Framework carries a presumption in favour. Accordingly, and having regard to all matters raised, the appeal is dismissed.

*Graham Chamberlain*  
INSPECTOR