



Appeal Decision

Site visit made on 8 July 2019

by Hilary Orr MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

Appeal Ref: APP/P1560/W/19/3224858

Green Farm, Oakley Road, Wix, CO11 2SE

- 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 T Munson against the decision of Tendring District Council.
 - The application Ref 18/00930/FUL, dated 11 June 2018, was refused by notice dated 25 September 2018.
 - The development proposed is the erection of a class B8 storage building for use by existing parcel courier business and construction of concrete hardstanding.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a class B8 storage building for use by existing parcel courier business and construction of concrete hardstanding at Green Farm, Oakley Road, Wix, CO11 2SE, in accordance with the terms of the application 18/00930/FUL and subject to the conditions set out in the attached Schedule.

Procedural matters

2. The Council is currently working on the emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (2017), which is currently under examination. Further work is required to address the Inspectors concerns about the proposed Garden Communities. As it is not clear the extent to which any objections to its policies are unresolved or the extent to which its policies are consistent with National Planning Policy Framework (NPPF), I give them limited weight and they do not alter my conclusions.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development provides a safe means of access and adequate parking for staff and visitors in the interests of highway safety.

Reasons

Character and appearance

4. The appeal site is located to the south of Oakley Road and to the east of Wix and a short distance from the A120. The site comprises an agricultural unit

known as Green Farm. Green Farm comprises land in active agricultural use together with a yard area which presents as a fairly typical farmyard in a rural setting, with several barns of various sizes.

5. The appeal site itself is currently in active use for crop growing. The field where the appeal site is located lies between Oakley Farm and Dove Cottage, which is the first of a small group of dwellings to the east of the site. The area then becomes more rural as you travel further east.
6. Tendring Express Services has operated from the farm since around 2005. In 2016 the use of the farm for the parcel delivery service was regularised in 2016. They currently occupy the barn immediately adjacent to the appeal site and one of the modest barns adjacent to Oakley Road that has been extended. There is also existing parking for a significant number of vehicles behind the buildings to the west. There were also several portable buildings understood to be used for offices by the business.
7. The appeal site occupies a modest part of this field adjacent to the yard and the road. The proposal is for a storage building for B8 purposes to be used in connection with the existing parcel delivery business. The building would be of agricultural design and some 18 metres wide and 30 metres long. It would have a ridge height of just under 8 metres. It would be of modern agricultural design with steel box profile cladding and grey fibre cement roofing.
8. It would be sited back from the road boundary and approximately in line with one of the eastern most barn within the yard. There is an established hedge line to Oakley Road although there is a gap in this hedge close to the main yard. I will return to consider this later. In addition to the building an area of concrete hardstanding is proposed.
9. At the time of my site visit I could clearly see that yard was intersected by overhead cables, which unless relocated, would make the siting of another barn problematic. The business is currently using one of the existing barns, which is moderate in size and an extension to the barn close to the entrance. I could see that the operation of forklifts in this smaller barn would be challenging.
10. Saved Policy ER7 of the Tendring District local Plan (2007) (LP) supports the growth of local business and extensions to existing premises may be acceptable provided that they generate new employment opportunities and have an acceptable impact on visual amenity. I will return to visual amenity later.
11. The Appellants state that the business has grown since being regularised in 2016 and the number of staff, has since grown from 32 to 40. They envisage that the business will continue to thrive although this may not result in an overall increase in staffing levels due to new technology. Nonetheless, the business has already added economic value through the creation of additional jobs in the local area.
12. I acknowledge that the building is larger than the existing barns on the site. However, the proposal would see the delivery elements of the business being consolidated within a single building. This would allow staff to unload deliveries under cover and store parcels in this one location reducing any outside storage.
13. The building with its agricultural appearance would be viewed, in the context of the, albeit extended, group of farm buildings. Moreover, buildings of this type are commonplace in rural areas and therefore it would sit appropriately within

this rural landscape. There would still be a substantial gap between the building and Dove Cottage beyond retaining the spacious character of the area and allowing long views towards the open countryside to the south.

14. Whilst landscaping would not render an unacceptable scheme acceptable there are some gaps in the hedging and planting, which would soften the appearance of the building and hard surfacing. Additional landscaping can be secured by way of an appropriately worded condition. This would give the Council the opportunity to secure suitable native planting to provide additional screening.
15. Overall on this issue I conclude that the building would not unacceptably harm the harm the character and appearance of the area. The proposal therefore does not conflict with saved policy RE7 of the Tendring District Local Plan (2007).

Highway safety

16. The submitted plans indicated that there is a gap in the existing hedge where access to the appeal site could have been achieved. The appellants have however confirmed in their evidence that it is their intention for the vehicular access to the site to be through the existing yard. They have indicated their agreement that this gap could be closed through the imposition of a controlling condition. The access to the business would therefore remain unchanged from that existing and this would overcome the Councils understandable objections on this point.
17. With regard to onsite parking, the application does not envisage an overall increase in staffing levels. With the nature of part time working, and operating hours of the business it is reasonable to conclude that staff will not all be on site at the same time. Parking for existing staff is accommodated within the existing farmyard. There is no evidence to suggest that the existing parking arrangements had had any adverse impact on the highway or that parking arrangements will change as a result of this scheme. I therefore do not consider that dismissing the appeal would be reasonable in this regard.
18. Further concern has been expressed about the potential for additional lighting to have an adverse effect on users of the highway. I consider that this could be overcome by the use of a suitably worded condition. The Appellants have agreed to such a condition.
19. I therefore find for the above reasons that the proposed development will not have an adverse effect on highway safety. Thus, there is no conflict with saved policies QL10 and TR1a of the Tendring District Local Plan Written Statement (2007) which aim to ensure that proposals for development reduce and prevent hazards and inconvenience to traffic

Conclusion and conditions

20. I have had regard to the conditions suggested by the Council and the Appellant. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty. In the interests of protecting the character and appearance of the area, conditions are required to provide suitable landscaping, land levels and boundary treatments.

21. Planning Policy Guidance (PPG) makes it clear that generally a condition would run with the land, rather than any individual or company. In this instance the proposed building would be used to support a well-established business that is providing employment in the local area. The nature of this business is relatively low key, and the building would allow vehicles to load and unload inside, keeping any noise and disturbance to a minimum. However, an unfettered storage use (B8) could also allow a significantly more disturbing use to occupy the building in the future. As such a change within the same use class would not require express planning permission, the Council would be unable to impose any mitigating conditions, for example hours of operation or control over outside storage. Accordingly, I consider that exceptionally, a condition is required to control the future use of the building in the interests of public amenity and the character and appearance of the area.
22. In respect of highway safety, conditions are necessary to ensure that staff parking and manoeuvring space is provided; to ensure that surface water run-off; and external lighting, will not adversely affect highway users. A further condition to permanently close the existing gap in the hedge is also required in the interests of highway safety.
23. Conditions four, five and eight require details to be submitted before the approved development commences. In accordance with the advice in the PPG the Appellants have given their written agreement for these to be imposed.
24. For the above reasons I conclude that the proposed development would not unacceptably harm the character and appearance of the area, or have an adverse impact on highway safety. The appeal is thus allowed and planning permission is granted, subject to the attached schedule of conditions.

Hilary Orr

INSPECTOR

Schedule of conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: TP/1442-01 and Proposed Floor Plans and Elevations REV:A and dated 04.04.18.
3. The development hereby permitted shall only be used in connection with the parcel courier business and for no other form of use including any other use with Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or those permitted by the Town and County Planning (General Permitted Development (England) Order) 2015 (as amended) and no further sub-division of the premises to form additional units shall be carried out without the express consent of the Local Planning Authority first having been obtained by an application made in that behalf.
4. Prior to the commencement of the development, a surface water management strategy shall be submitted to and approved in writing by the Local Planning

Authority. No hard-standing areas shall be constructed until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the Local Planning Authority.

5. Prior to the commencement of the development the existing gap in the hedge adjacent to Oakley Road, as shown on plan No TP/1442-01, shall be closed using 1 metre high post and stock fence which shall then be permanently retained, unless the Local Planning Authority agrees in writing to a variation.
6. No above ground works shall take place until there has been submitted to and approved, in writing, by the Local Planning Authority a scheme of hard and soft landscaping works for the site, which shall include all boundary treatments including planting to the gap in the hedge adjacent to Oakley Road, and any proposed changes in ground levels and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837: 2012 - Trees in Relation to Design, Demolition and Construction."
7. All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees in writing to a variation of the previously approved details.
8. Prior to the commencement of development, details of access, parking and turning shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.
9. Before the development hereby permitted is first brought into use, details of any external lighting shall be submitted to and approved in writing by the local planning authority.

End of schedule