



Appeal Decision

Site visit made on 11 September 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/W1525/W/19/3226164

Radical Bikes, Blackmore Road, Highwood, Chelmsford, CM1 3QR

- 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 and Mrs Michael Mitchell against the decision of Chelmsford City Council.
 - The application Ref 18/01990, dated 30 November 2018, was refused by notice dated 31 January 2019.
 - The development proposed is Siting of mobile home for occupation by employees-revised application.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the proposal which is the subject of this appeal has been located at the site for 2 years I am treating this appeal as a proposal for new development.

Main Issues

3. As the site is located in the Green Belt the main issues are:
 - Whether the proposal is inappropriate development within the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy
 - The effect of the development on the openness of the Green Belt, and
 - If the development is inappropriate whether the harm 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

Background

4. The appeal site comprises a field of 1.2ha with a frontage to Blackmore Road in the Green Belt on the edge of Chelmsford. It is surrounded by belts of mature trees and there are several trees throughout the site, designated as a Group Tree Preservation Order. The site has been used since 2009 with the benefit of

planning permission as a jump centre for pedal bikes and is managed by a not for profit organisation, Radical Bikes. The site includes a series of features designed to test the abilities of bike riders. These are made from natural materials, car tyres and wood and metal structures. Altogether these structures cover about 20% of the total site area. A car park lies adjacent to the entrance. Buildings housing a store, toilets and reception lie on the southern side of the site together with the mobile home which is the subject of this Appeal.

Policy Framework

5. The National Planning Policy Framework identifies that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate and therefore should only be approved if very special circumstances can be demonstrated. Unless development is included within one of the categories in the closed list of exceptions in paragraph 145 of the Framework it will be 'not inappropriate'. This general approach to Green Belt is reflected in the Council's policy DC1 of its Core Strategy and Development Control (2008) policies document
6. The Framework is a material consideration which does not change the status of the development plan. Although the Local Plan predates the Framework Policy DC1 is broadly consistent with it.

Whether the proposal is inappropriate development in the Green Belt

7. Both parties consider that the proposal is inappropriate development in the Green Belt as defined by the Framework. I share this view.

Effect on openness of the Green Belt

8. Openness is an essential characteristic of Green Belts. The application proposes that the structure is located adjacent to the existing store, reception and toilet buildings on the Blackmore Road side of the site.
9. Although it would be reasonably modest in scale, the proposed building would however, commensurately reduce the openness of the Green Belt on this part of the site. Policy DC1 of the Core Strategy and Development Control Policies (2008), seeks amongst other matters, to control development to protect openness within the Green Belt. The essential thrust of this Policy is in line with the Framework where various classes of development are identified as being not inappropriate.

Other considerations

10. The Appellant has provided a detailed history of the evolution of the site from the granting of planning permission in 2009 for a 'trials and jump centre' through to it being developed with additional features to support BMX freestyle cycling. They consider, that, given its history the use of this site as a cycling centre has been accepted in accordance with Green Belt policy.
11. Evidence provided by the Appellant demonstrates a range of other considerations that they consider merit an exception to Green Belt policy. These highlight the considerable benefits to the local community derived from the centre's operation which include improving the health, fitness and well

being of youth resulting from increased physical activity and volunteering. The Centre allows youth to access competitions through a supportive and safe environment. An online petition signed by 1541 supporters and other letters of support from parties including Sport England and Active Essex express concern over the likely closure of the site in the event of this appeal being dismissed.

12. The Appellant states that the Centre has long suffered problems of anti-social behaviour carried out after hours which include theft and vandalism caused by unauthorised use and that these matters continue to undermine its success. Until 2017 these were 'managed' through a CCTV operation with support from the appellants who lived in Barrow Farm just several hundred metres away across Blackmore Road who could easily access the site. However, since this time this arrangement has not been possible given that they have moved and the development of the mobile home has been necessitated by this change. Underpinning their case is that the absence of the on site surveillance on a 24 hour basis would undermine the future of the Centre leading to more vandalism and theft. No substantive evidence has been provided from sources such as Police reports and it is unclear the extent to which the Appellant has explored the option of monitoring the site by remote CCTV from another site. Accordingly, I give only moderate weight to this argument.
13. Furthermore, in an additional statement from the Appellant there is an acknowledgement that although the mobile home would not be occupied on a 24 hour basis the fact that the owners could return at anytime is a sufficient deterrent to criminal activity. This line of argument supports my view that this matter has limited weight.
14. A large proportion of the whole site is covered with structures and features for use by competitors. Whilst some of these are of a temporary construction they combine with the existing buildings to compromise 'openness'. This would be further reduced by the addition of the mobile home.
15. The Appellant has cited examples of where similar developments in the Green Belt have been accepted by local planning authorities. I acknowledge that there at least some parallels with the current appeal. Nonetheless each proposal falls to be assessed on its own merits and in any event I am unaware of the full circumstances of each of these cases and give these examples limited weight.
16. The Appellant has suggested that they would, in the event of the appeal being allowed, be content to accept conditions made personal to Radical Bikes and a temporary 3 year permission. I consider, however, that given the stated reasons for this proposed development the temporary use would have to be continually renewed for the operational life of the Centre, thereby undermining its purpose. Furthermore, the harm to 'openness' would still exist if the permission was personal to the applicant.

Conclusions

17. In conclusion, I have identified that the proposals would be inappropriate development in the Green Belt as defined by the Framework and Policy DC1 of the Core Strategy. The proposal would also harm the openness of the Green Belt. I find that the other considerations advanced in support of the proposal in this case do not clearly outweigh the harm that I have identified, which is the test they have to meet. The proposed development would by definition, be

harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

18. Consequently, the very special circumstances necessary to justify the development do not exist, the proposed development conflicts with Policy DC1 of the Core Strategy and the advice of the Framework as the proposal would not maintain and /or protect the Green Belt. Therefore, for the reasons given I conclude that this appeal should fail.

Stephen Wilkinson

Inspector