



Appeal Decision

Site visit made on 29 October 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2019

Appeal Ref: APP/W1525/W/19/3231651

Little Boyton Hall Farm, Boyton Hall Lane, Roxwell, Chelmsford CM1 4LN

- 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 C J H Farming Ltd against the decision of Chelmsford City Council.
 - The application Ref 18/02122/FUL, dated 19 December 2018, was refused by notice dated 21 February 2019.
 - The development proposed is the erection of a new warehouse building for the purposes of Storage/Distribution and Business uses (Use Classes B1, B2 and B8).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new warehouse building for the purposes of Storage/Distribution and Business uses (Use Classes B1, B2 and B8) at Little Boyton Hall Farm, Boyton Hall Lane, Roxwell, Chelmsford CM1 4LN in accordance with the terms of the application, Ref 18/02122/FUL, dated 19 December 2018, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. An emerging Local Plan (LP) has been referred to in the Council's refusal reasons and appeal submissions. The LP has been the subject of a formal examination and the Inspector's post-hearing advice raises no concerns with the policies relevant to this appeal. Whilst at an advanced stage, the LP is not yet adopted and so it cannot be afforded the same weight as the adopted Core Strategy and Development Control Policies 2008 (CSDCP) in my assessment.

Main Issue

3. The main issue is the effect on the character and appearance of the area.

Reasons

4. The appeal site is a cluster of buildings including commercial units, 2 barns towards the north of the site and Little Boyton Hall. A public footpath runs through the cluster and out to the surrounding fields and wider countryside.
5. The proposed extension would be on the south side of the southernmost barn and would project out into a yard area with commercial buildings opposite. The walls of the extension would be clad with composite panels.

6. Buildings would obstruct views of the extension from the footpath as it runs through the complex and there would be no wider views from the east. From the north, the extension would be partially screened by both barns, although as these buildings are open-sided the back wall of the extension would be seen if the barns were empty. In any case, from the north the extension would be seen against the adjacent commercial buildings. As highlighted by the appellant's Landscape and Visual Effects document, the proposed extension would be most visible seen across fields when walking towards the site along the public right of way from the west.
7. The area on which the extension would be positioned has a hardcore surface and is enclosed by buildings on the north and south sides, by a low bund on the west boundary and by a fence with gate on the east side. Whilst the barn and bales stored inside result in a partial agricultural appearance, the buildings opposite have doors that face onto this area which at the time of my site visit were open, allowing sight of the commercial operations taking place inside. As such, the site of the proposed extension has a part agricultural, part commercial appearance and character. Consequently, the proposal would not result in the loss of a predominantly agricultural area such as a field.
8. The proposed extension would enclose one side of the barn, thereby obstructing views of the bales or agricultural equipment stored inside. However, the west facing side elevation of the barn would remain open, thereby helping to retain an agricultural appearance when approaching the site from the west. Furthermore, the proposed extension would not obviously appear as being in non-agricultural use, particularly as it would be attached to a partially open-sided straw barn. The extension would be of a design typical of many modern agricultural buildings and therefore in character with its context.
9. The proposed extension would reduce openness and to a limited degree obstruct views through the site. However, despite the Council's claim that it would be on a crest of a hill, there is no evidence before me that demonstrates the extension would be unduly intrusive or conspicuous on the skyline from wider viewpoints. Given its position in a cluster of buildings, I find the proposal would have no harmful effect on the wider rural landscape.
10. The proposed extension would lie outside the Rural Employment Area (REA) as defined under emerging Policy EM1 of the LP. However, this policy does not preclude employment development outside REA's and so the proposal would not be contrary to Policy EM1.
11. For the reasons outlined above, I conclude that the development would not be harmful to the character and appearance of the area. Consequently, and in this regard, it would accord with Policy DC2 of the CSDCP, Policy CO4 of the LP and the National Planning Policy Framework (the 'Framework'), all of which aim, amongst other things, to protect or enhance the character, appearance and intrinsic beauty of the countryside.

Other Matters

12. Under CSDCP Policy DC2 and LP Policy CO4, new buildings that support sustainable growth of an existing viable business are permissible in rural areas where it can be demonstrated there is a justified need. The appellant has submitted letters from local businesses that indicate a demand for additional commercial floorspace at the appeal site. A number of businesses are based at

Little Boyton Hall Farm and whilst the occupier of the proposed building is not identified, it is likely that the additional floorspace would help a local business meet its need to expand. On the evidence before me, I am satisfied that there is a justified need for the proposed development.

13. The Council has raised a concern that development similar to the appeal proposal could be replicated many times, leading to the incremental erosion of the countryside. Given that I have concluded the proposal would not be harmful to the character and appearance of the area, I see no reason why allowing the appeal would lead to harmful developments elsewhere.
14. The appeal site includes Little Boyton Hall, a grade II listed 19th century farmhouse. I have a duty to pay special attention to the desirability of preserving the setting of a listed building in considering whether to grant planning permission¹. There are a number of buildings between the Hall and the site of the proposed extension. In the absence of any inter-visibility, I find the proposal would cause no harm to the setting of the listed building.
15. As there are no reasons to dismiss the appeal on any of the above grounds, they fail to affect my conclusions on the main issue.

Conditions

16. I have considered the planning conditions suggested by the Council, having regard to the tests set out in the Framework.
17. A condition is necessary to ensure the development is carried out in accordance with the approved plans including the details of materials. A condition restricting external illumination is necessary to ensure no harm would be caused to the countryside. A condition requiring the extension to be built to BREEAM very good standard is required to ensure the scheme represents sustainable development. In light of Essex County Council Highways' comments, I have imposed a condition requiring the provision of car, lorry and cycle parking facilities to ensure vehicles can park and manoeuvre safely. Where appropriate, I have amended the wording for reasons of precision and to avoid unnecessary pre-commencement conditions.
18. The Council has failed to adequately explain the necessity of a condition limiting the use of the building to those set out in the description of the development. Also, no evidence has been submitted to demonstrate that traffic movements associated with the proposed development would unacceptably harm the living conditions of residents of properties in Boyton Cross or along the access road. Without such evidence, I am unable to conclude the suggested hours of use condition is necessary to make the proposed development acceptable. As such, I have not imposed these suggested conditions.

Conclusion

19. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

¹ Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990

Schedule of Planning Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A.C. Bacon Engineering drawings numbered 1, 2, 3, 4, 5, 6, 7, 8 and 9.
- 3) No means of external illumination to serve the development hereby approved shall be installed before the details of illumination have been submitted to and approved in writing by the local planning authority. Only illumination in accordance with details that have been submitted and approved shall be installed.
- 4) The buildings hereby approved shall achieve a BREEAM Level of Very Good in accordance with the requirements of the relevant BREEAM scheme. No construction works other than the excavation of foundation trenches on the development hereby permitted shall commence until a Design Stage Assessment (under BREEAM or its successor) has been carried out and a copy of the Interim Certificate or the Assessor's summary score sheet has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until a Final BREEAM Certificate has been issued for it and produced to the local planning authority certifying that BREEAM Level Very Good has been achieved.
- 5) The development hereby permitted shall not be first occupied until details of car, lorry and cycle parking facilities and turning spaces to serve the development have been submitted to and approved in writing by the local planning authority. Parking facilities and turning space shall be provided in accordance with the approved details prior to the development being first occupied and shall thereafter remain for such uses in perpetuity.