



Appeal Decision

Site Visit made on 10 November 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2020

Appeal Ref: APP/W1525/W/20/3254050

White Tyrells, Ingatestone Road, Stock, Ingatestone CM4 9PA

- 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 Francis Wolton against the decision of Chelmsford City Council.
 - The application Ref 20/00460/FUL, dated 10 February 2020, was refused by notice dated 11 May 2020.
 - The development proposed is use of land for occasional parking and turning of vehicles.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the time of the original decision, the Council has adopted a new Local Plan – the Chelmsford Local Plan 2020 (LP). The Council has confirmed which new policies correspond with and replace the policies which the application was determined against. In accordance with planning law, I have determined the appeal on the basis of the current development plan.

Main Issue

3. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - 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

4. The appeal site is situated in the Metropolitan Green Belt. The National Planning Policy Framework ('the Framework') states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
5. Policy DM10 of the LP refers to a change of use of land and buildings and engineering operations. It states that engineering operations will be permitted

- within the Green Belt where they preserve openness and do not conflict with the purposes of including land within the Green Belt. This is wholly consistent with paragraph 146 of the Framework.
6. The site comprises an area of land between two former agricultural buildings, which form part of a wider complex of buildings which are now used for a mix of business and storage and distribution. The proposal is for the use of the land for occasional parking and turning of lorries who are accessing the site in connection with the use of the buildings, including for mandatory rest breaks.
 7. The site is separated from the neighbouring farmhouse and agricultural farmyard by a fence, which does not form part of this appeal. This effectively separates the two distinct uses.
 8. One of the purposes of the Green Belt is to assist in safeguarding the countryside from encroachment. The area subject to the appeal is located between two existing buildings and separated from the neighbouring farmyard and as such does not form part of the wider countryside which is experienced with views across the open fields both opposite and adjacent to the appeal site. However, it is evident from the aerial photos provided by the Council that over time the surfacing of the area and the use of the site for parking has encroached into a previously undeveloped area. Therefore, the development would be contrary to the purposes of including land within the Green Belt.
 9. Despite views of the site being obscured by the existing fence and to some degree the existing roadside hedge along Stock Road, a lack of visibility does not in itself mean that there is no loss of openness. Although the area of land to be used for the proposal is not extensive, it would represent an expansion of the commercial activity. The limited visual change arising from the surfacing of the area would not in itself have a harmful effect upon the openness of the Green Belt. However, the use of the appeal site for the parking and turning of vehicles would have a visual impact and would result in a loss of openness and a visual impact when vehicles were parked there.
 10. Because the area is not easily visible from public vantage points the impact would be slight, but nevertheless would not preserve the openness of the Green Belt. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt.
 11. The proposal would not comply with Policy DM10 of the LP which only permits development within the Green Belt where it would preserve openness.

Other Considerations

12. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in modest harm in terms of loss of openness to the Green Belt. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
13. According to the evidence submitted as part of the third party representations, a removal company currently operates from the site and they confirm that the

area is required in order to provide space for HGVs to park whilst drivers are taking breaks and for other vehicles awaiting loading or unloading, in order to prevent an obstruction to the approved turning areas.

14. There is insufficient evidence to indicate the scale of demand for drivers needing to take a break when arriving at the site and why it is not possible for this to take place at a designated rest stop prior to accessing the site. I have also not been provided with any details of facilities that are provided for HGV drivers within the site in order to accommodate breaks.
15. With regard to the need for lorries to wait whilst other vehicles are loaded or unloaded, I have not been provided with any evidence of the frequency of HGVs accessing the site and how many are on site at any one time. Also, whether alternative options to avoid more than one vehicle being on the site at any one time which would prevent obstructions to the turning and parking areas have been explored and discounted.
16. It has been put to me that the lack of a parking area could result in job losses, as the company would be forced to make redundancies or ultimately the company could cease trading. Although I have carefully considered the representations made by the third party, from the evidence that is before me, it has not been adequately demonstrated that the lack of parking would indeed result in job losses.
17. I also note that it was not a requirement of the Essex County Council Highways Engineer to provide separate parking for HGVs as part of the original planning permission for the use of the buildings and I have not been provided with any evidence to indicate that HGV parking would be required on the site as part of any adopted parking standards.
18. Therefore, based on the evidence before me, I can give the circumstances of the existing business and the overall lack of HGV parking only limited weight.

Conclusion

19. In summary, the proposal is inappropriate development in the terms set out by the Framework and fails to preserve the openness of the Green Belt. Having taken into account the other considerations outlined above, they do not outweigh the substantial weight which must be given to Green Belt harm, and therefore they are not sufficient to demonstrate very special circumstances.
20. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR