



## Appeal Decision

Site Visit made on 10 November 2020

**by Gemma Pannell BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> November 2020**

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### **Appeal A Ref: APP/W1525/W/20/3252970**

**Land North East Of The Old Vicarage Wyses Road, Highwood, Chelmsford, CM1 3SN**

- 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 Mrs Cherie Mitchell against the decision of Chelmsford City Council.
  - The application Ref 19/02117/FUL, dated 20 December 2019, was refused by notice dated 28 February 2020.
  - The development proposed is temporary siting of a storage container.
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### **Appeal B Ref: APP/W1525/W/20/3254550**

**Land North East Of The Old Vicarage Wyses Road, Highwood, Chelmsford, CM1 3SN**

- 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 Mrs Cherie Mitchell against the decision of Chelmsford City Council.
- The application Ref 20/00108/FUL, dated 23 January 2020, was refused by notice dated 20 March 2020.
- The development proposed is creation of access track.

### **Decision**

1. Appeal A is allowed and planning permission is granted for Temporary Siting of a storage container at Land North East Of The Old Vicarage, Wyses Road, Highwood, Chelmsford, CM1 3SN in accordance with the terms of the application, Ref 19/02117/FUL, dated 20 December 2019, and the plans submitted with it, subject to the following conditions:
  - 1) The siting of the storage container hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. The building hereby permitted shall be removed and the land restored to its former condition on or before 30 November 2025 in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
  - 2) The storage container shall only be used for the storage of items connected with the use of the land for the keeping of horses and for no other purposes.

2. Appeal B is allowed and planning permission is granted for creation of access track at Land North East Of The Old Vicarage, Wykes Road, Highwood, Chelmsford, CM1 3SN in accordance with the terms of the application, Ref 20/00108/FUL, dated 23 January 2020, and the plans submitted with it.

### **Preliminary Matters**

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. Since the Council issued its decision it has adopted the Chelmsford Local Plan 2020 (LP). The policies in the LP supersede those referred to in the reason for refusal. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through his appeal submissions.

### **Main Issue**

The main issues in each appeal are:

- Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it; and
- its effect on the character and appearance of the area.

### **Reasons**

#### *Inappropriate Development*

5. 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.
6. Paragraph 145 and 146 establish that buildings and other forms of development would be inappropriate unless they meet a listed number of exceptions. The proposed storage container would be a facility for outdoor sport and recreation and would therefore be subject to Paragraph 145(b). Also, paragraph 146(b) considers engineering operations, such as the access track.
7. Both exceptions explain that such development would not be inappropriate development provided that they would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The five purposes of including land within the Green Belt are identified at paragraph 134 of the Framework. Of those, the Council maintains that the development would result in encroachment of development into the countryside.
8. The site has an established use for the keeping of horses and the site currently contains a stable block and riding arena, the latter of which was granted planning permission in 2019. Three horses were present on the site and a horse box was parked adjacent to the stable block.
9. The storage container, subject to Appeal A, is located adjacent to the existing stable block on the rear boundary of the site. As part of my visit I noted that

the container was used for the storage of general items for use in connection with the keeping of horses and the maintenance of the riding arena.

10. Although it has been put to me that the appellant has not established a need for the building, I am content that in order to maintain both the riding arena and to enable the welfare and upkeep of horses on the site a secure form of storage would be required. It would not be possible for this to be achieved within the existing stable block, taking into account its construction and the remote nature of the site which could make it a target for further thefts. Therefore, I am satisfied that the building should be considered under paragraph 145(b) of the Framework.
11. The appeal site is enclosed by native hedging and inward views are confined to those glimpsed through the hedging. The storage container is sited close to the existing stable block and the combination of the road, hedge and existing buildings and the limited visibility creates a strong sense of containment, which gives the appeal site a clear distinction from the open farmland beyond.
12. The access track, subject of Appeal B, has already been constructed and runs along the edge of the riding arena from the entrance to the site toward the stables. The access track is set behind existing entrance gates which prevent views into the site from the road. Glimpsed views of the site are possible through the existing hedgerow, however these views are dominated by the existing riding arena.
13. The existing surfacing on the access track does not unduly contrast from its surroundings as the road planings are showing signs of weathering in. The area is also relatively modest in size, having regard to the overall size of the site and it is discretely sited by its proximity to the riding arena and enclosure around the access.
14. Having regard to whether openness would be preserved, it is acknowledged that the exceptions set out within paragraphs 145 and 146 are generally considered to be acceptable in principle and any new development under these exceptions would erode openness to some degree, but this in itself would not always fail to preserve openness.
15. Given the particular circumstances of the site and the extent of development which has already taken place on the site, the storage container and access do not represent an encroachment upon the countryside and are not visually intrusive. Even in combination, the built form would not increase significantly and given the visually contained nature of the site there would be no perception of change and therefore the development under both Appeal A and Appeal B would preserve the openness of the Green Belt.
16. I conclude that Appeal A and Appeal B are not, therefore, inappropriate development when judged against the Framework and it complies with Policies DM6 and DM10 of the LP which permits facilities for outdoor recreation and engineering operations where they preserve openness and do not conflict with the purposes of including land in the Green Belt.

#### *Character and appearance*

17. The area has appreciable qualities in terms of its rural character with the extent of the attractive open countryside in between settlements. This is reinforced by the topography and, in particular, areas which are at higher

levels are revealed in expansive and distant views across this landscape. These are important contributing factors to the character.

18. Equestrian activities are clearly a feature of the site and any associated development needs to be carried out in a manner which does not detract from the landscape. The storage container is sited towards the rear of the site, and as a result of dark green colouring, it is unobtrusive in its appearance. Having regard to the degree of landscaping around the site and the overall size and scale of the container I consider that the development is in keeping with and does not materially detract from the character and appearance of the area.
19. As regards the existing access track, this has substantially less of an effect on the landscape and open countryside. Its siting lessens the broader impacts across the area, and it is unobtrusive when viewed within the context of the existing site. The access track is not unacceptable as regards the effect on the character and appearance of the area.
20. I conclude, that both Appeal A and Appeal B comply with Policies DM10 and DM23 which permits development which is of high quality and is compatible with the character and appearance of the area.

### **Conditions**

21. The Council has suggested conditions in relation to Appeal A which I have considered against the advice in the Framework and Planning Practice Guidance. The storage container is described as temporary and I have had regard to whether it is both reasonable and necessary to impose a condition restricting the time for the siting of the container. The parties have suggested a period of 5 years which I consider reasonable in order that the appellant can explore whether a more permeant solution is required for storage within the site and also whether the container remains in good decorative order after this period of time. The condition also requires the land to be restored to its former condition, taking into account the sites location within the Green Belt.
22. I have also imposed a condition to limit the use of the container to the storage of items connected with the use of the land for the keeping of horses. As the justification for the container is in connection with the use of the land for the keeping of horses and therefore the use should be limited to that purpose.
23. I have not found it necessary to impose conditions on Appeal B given that the development has already been carried out.

### **Conclusion**

24. I conclude that both Appeal A and Appeal B should be allowed.

*G Pannell*

INSPECTOR