
Appeal Decision

Site visit made on 22 December 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020

Appeal Ref: APP/W1525/W/19/3239770

East Hanningfield Hall, Old Church Road, East Hanningfield, Chelmsford, Essex CM3 8BQ

- 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 Matthew and Mrs Andrea Salter against the decision of Chelmsford City Council.
 - The application Ref 19/00967/FUL, dated 28 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is described as 'use of part of applicants' residential site of East Hanningfield Hall as open storage for cars of Mr Salter's business'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. Part E of the appeal form says that the description of development has changed to 'part change of use of land to open storage site for car business (B2)'. Whilst this description matches the one on the decision notice, neither of the main parties have provided written confirmation that this description has been agreed. Accordingly, I have used the description given on the application form.
3. The application form says that the use has started and, when I visited, motor vehicles were being stored on the site and hardstanding had been laid over part of it. Planning permission is thus sought retrospectively. I have dealt with the appeal on that basis.
4. The Chelmsford Local Plan (LP) was adopted in May 2020. Both main parties have been provided with an opportunity to comment on the implications of this to the appeal. In accordance with planning law, I have considered the appeal based on the current development plan.

Main Issue

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

Reasons

6. The main parties agree that the site is in a rural area beyond settlement boundaries. Moreover, it is located outside of the Urban Areas and Defined Settlements as designated by the LP. It is thus in the countryside.
7. The site comprises grass and hardstanding which is used for the open storage of vehicles. The appellants state that customers view and purchase vehicles by appointment only. The site is located next to and accessed from Old Church Road. A hedge extends across the front of the site beside the road, but it is otherwise bound by post and rail and close boarded fencing. The site is adjacent to a grassed area which is identified as a manège. Beyond that is a paddock which has a public right of way running across it. Another paddock is located on the opposite side of the road.
8. The road mainly features residential properties and agricultural buildings interspersed along it. Lodge Industrial Estate is also accessed from the road. However, the area has a strong rural character, with open and undeveloped land dominating views from the road. The appellants state that the site was previously used for grazing horses and hay crops.
9. At the time of my visit, approximately 40 vehicles were being stored across the site on both the grass and the hardstanding. The vehicles were highly visible from the road through and at each end of the hedge, from the access, across the front garden of Barn Mead and from the public right of way. The vehicles were stored close together, which made the site appear cramped and cluttered. The resulting character of the site contrasts poorly with the rural character of the area. Although the storage area is located near to residential properties, the separation distances between the dwellings is such that it does not appear to be part of a cluster of built form. Instead, it appears incongruous in immediate views adjacent to the manège and paddocks and detracts from longer distance views of the countryside. It therefore has a harmful effect on the character and appearance of the area.
10. Whilst a large number of vehicles park at the industrial estate, those vehicles are viewed around and against a backdrop of several buildings. In contrast, the site features vehicles which are stored close together and adjacent to open and undeveloped land. The characteristics of the site and its surroundings are not comparable to those of the industrial estate.
11. Additional planting would not mitigate the appearance of the storage area to the extent that it would no longer be harmful. Moreover, landscaping is generally used to integrate development within its surroundings and not to screen incongruous development from view. In any case, the storage area would remain visible from the access.
12. At the time of my visit neither the access nor the part of the road nearest to it was untidy or muddy. Vehicular accesses onto the road vary in width and appearance. In that context, I am not convinced that the Highway Authority's recommended alterations to the access would have a harmful effect on the area. However, any widening of the access may increase the visibility of vehicles stored on the site and thus the works would be harmful in that respect. In any event, the development is harmful for other reasons.

13. The decision notice indicates that the Council made its decision based on approximately 25 vehicles being stored on the site. Even if this number of vehicles were on the site, the issues identified would remain. Furthermore, no mechanism has been proposed to limit the number of vehicles being stored on the site and I cannot be certain that such a mechanism would be appropriate.
14. The development has a harmful effect on the character and appearance of the area. It is therefore contrary to LP Policies S1, S11 and DM10, which seek to ensure that development respects the character of landscapes and the built environment and does not adversely impact on the intrinsic character, appearance and beauty of the countryside. It is also contrary to paragraph 170 of the National Planning Policy Framework, which has similar objectives.

Other Matters

15. The appellants contend that the business would be unable to operate viably elsewhere; however, no evidence has been provided in this respect. Moreover, this does not necessarily mean that harmful development should be accepted. It is also put forward that this type of development is not uncommon within rural areas around Chelmsford and it is less harmful than purportedly similar development at a site in the Green Belt in Downham, Billericay. I have not been provided with full details of that development. In any case, each scheme must be considered on its own merits and I have found that the development subject to this appeal is harmful.
16. I have taken into consideration the matters raised by interested parties. However, the evidence provided is such that no other matter is so compelling that it leads me to a different conclusion on the main issue.

Conclusion

17. For the above reasons, the appeal is dismissed.

Mark Philpott

INSPECTOR