



Appeal Decision

Site visit made on 12 January 2021

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 11th February 2021

Appeal Ref: APP/W1525/W/20/3260410

Baddow Park Mushroom Farm, West Hanningfield Road, Galleywood, Chelmsford CM2 7SY

- 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 J Martin of Baddow Park Industrial Estates Limited against the decision of Chelmsford City Council.
 - The application Ref 20/00160/FUL, dated 4 February 2020, was refused by notice dated 2 April 2020.
 - The development proposed is described as, 'Rationalisation of access and parking comprising 1) Separation of access roads to wedding venue and industrial estate respectively 2) Hardsurfacing of existing industrial vehicle park (planning ref 10/00058/FUL) including change of use and hardsurfacing of additional land; both incorporating comprehensive landscaping scheme'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has submitted additional drawings as part of the appeal that do not include the landscaped bunds that were part of the planning application and provide further detail with regard to landscaping. Having regard to the Wheatcroft Principles, these drawings do not substantially alter the scheme and I have therefore had regard to them in assessing this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies including its effect on the openness of the Green Belt; and
 - would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. Paragraph 146 of the Framework states that engineering operations are not inappropriate development in the Green Belt provided that they preserve its openness and do not conflict with the purposes of including land within it.
5. Since both aspects of this appeal proposal includes the formation and laying out of a means of access to highways, they would constitute engineering operations.

However, the issue of whether the development would be inappropriate in the Green Belt will be determined by my conclusion on the effect on Green Belt openness and purposes.

6. The re-routed access road to the south of the industrial park would occupy significant areas of grassed land. While part of the existing road would be removed and returned to lawn, the new access would consist of significantly greater amount of hard surfacing than the existing road.
7. In addition, the new access would be used by vehicles to enter and leave the industrial area and would cross an open undeveloped grassed area whereas the existing access lies much closer to Baddow Park House. Furthermore, while the number of vehicles using the access would be largely unchanged, it would nevertheless be a significant amount, and would cross an open undeveloped area that lies a great distance from the built development on the industrial park and Baddow Park House. Therefore, the proposed access would harm the visual openness of the Green Belt and it would not safeguard the countryside from encroachment.
8. The proposed hard surfacing to the west of the site would include an existing permitted parking area (area A) as well as an additional adjacent parking area (area B). Given that it would be at ground level, and that there would not be any additional parking of vehicles in area A, the hard surfacing of this area would not have a detrimental effect on the openness of the Green Belt.
9. From the evidence, area B has been used for parking for some time and has been partially hard surfaced. The proposal for this area would complete the hard surfacing and would provide additional parking than that previously approved for vehicles which would be likely to remain in place for substantial parts of the day. However, since this area is limited and would be close to the industrial units as well as the existing parking area, it would not substantially restrict views to the adjacent open countryside and would not harm the openness of the Green Belt in this particular respect.
10. Consequently, the proposal would have an adverse effect on the openness of the Green Belt and would therefore be inappropriate development in the Green Belt in the terms of the Framework, specifically paragraph 146(b) and none of the other exception criteria apply. Therefore, it would conflict with Policy DM10 of the Chelmsford Local Plan Full Council Version May 2020 (LP) which seeks, among other things, engineering operations in the Green Belt where they preserve openness and do not conflict with the purposes of including land in the Green Belt.

Other Considerations

11. I acknowledge the approval by the Council of a planning application relating to the site subsequent to the decision notice subject of this appeal (Application B). From the evidence, while the Appellant does not consider that permission to meet their needs, in the event this appeal is dismissed, since it provides more parking than that previously approved, it would be likely that the scheme subject of Application B would be implemented and thus forms a fall-back position.
12. While the parking area indicated in Application B would be smaller than that subject of this appeal, the difference between the schemes in this respect would be limited and localised. Therefore, the parking area subject of this appeal would not result in a significantly greater impact on the Green Belt than that proposed in Application B sufficient to justify refusal of planning permission on this basis alone.

13. However, the access road approved as part of Application B would be roughly the same length as the existing one, would be parallel to it and be viewed against the backdrop of the nearby buildings. Therefore, since the proposed access road would direct existing traffic through an open grassed area a significant distance from nearby buildings, it would be more harmful to the openness of the Green Belt than the fall-back scheme. Accordingly, Application B does not carry weight in favour of this appeal.
14. I note the evidence regarding the planning history of the site and the lawfulness of the current parking arrangements. However, I have necessarily assessed the scheme before me, and these matters have not altered my overall decision.
15. I note the Appellant's reasons for re-routing the access road, and the evidence regarding the adjacent wedding venue and the associated economic, social and environmental benefits of the proposal. However, since any benefit in this respect would be largely private, for the stakeholders of the wedding venue and industrial park, I attach them limited weight in assessing whether very special circumstances exist in the terms of the Framework.
16. I note the evidence regarding permitted development and the landscaping bunds that formed part of the original planning application. However, while I have reservations regarding their effect on the openness of the Green Belt, since they have been omitted in the drawings submitted as part of the appeal, I have not pursued these matters further.
17. Since the proposal would introduce a number of additional trees on the site as part of the landscaping scheme, I attribute moderate weight to this point in favour of the appeal.
18. I acknowledge concerns regarding the service provided by the Council. However, I have assessed the scheme on its planning merits and these matters have not altered my overall decision.
19. I note the comments of the Inspectors for the cases at Dickens Farm and White Tyrells. I also note the scheme in Brentwood, Essex noted by the Appellant including the site plan and aerial views. However, limited further details are before me such that I am unable to make a direct comparison with this appeal scheme. In any event, each case must be determined on its individual merits.

Conclusion

20. Substantial weight must be attached to any harm to the Green Belt given the importance that the government attaches to its protection, as embodied in the Framework. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. The substantial weight to be given to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances given that those benefits are reasonably modest commensurate to the modest scale of the development proposed.
21. For the reasons given above the appeal is dismissed.

R Sabu

INSPECTOR