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## Appeal Decision

Site Visit made on 25 October 2021

**by M Chalk BSc (Hons) MSc MRTPI**

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

**Decision date: 12<sup>th</sup> November 2021**

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**Appeal Ref: APP/W1525/W/21/3276728**

**Land east of Wykes Road, Highwood, Chelmsford, Easting 564448, Northing 204419, 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 Mr and Mrs Mitchell against the decision of Chelmsford City Council.
  - The application Ref 21/00421/FUL, dated 25 February 2021, was refused by notice dated 7 May 2021.
  - The development proposed is siting of temporary mobile home to support equestrian breeding facility.
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### Decision

1. The appeal is allowed and planning permission is granted for siting of temporary mobile home to support equestrian breeding facility at land east of Wykes Road, Highwood, Chelmsford, Easting 564448, Northing 204419, CM1 3SN in accordance with the terms of the application, Ref 21/00421/FUL, dated 25 February 2021, subject to the following conditions:
  - 1) The residential use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. The mobile home hereby permitted shall be removed, the use shall be discontinued and the land restored to its former condition on or before 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01c, P02.
  - 3) The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed in the business occupying the plot edged red on the approved plans, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

### Preliminary Matters

2. I have included the postcode given by the Council for the appeal site to aid in its identification.
3. The Council have withdrawn their objection to the proposal on highways safety ground and are not pursuing the third reason for refusal given on the decision notice. I see no reason to disagree with the Council's conclusion on this point.

### Main Issues

4. The main issues are:

- Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies; 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**

### *Whether inappropriate development*

5. The appeal site is in the Green Belt, where inappropriate development will not be allowed except in very special circumstances. Policy DM12 of the Chelmsford Local Plan 2020 (the LP) states, among other considerations, that planning permission will only be granted for a new dwelling or caravan in the Green Belt where there is a proven essential need for the purposes of agriculture or forestry. Policy S11 of the LP states that the openness and permanence of the Green Belt will be protected and opportunities for its beneficial use will be supported where consistent with the purposes of the Green Belt. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. It further identifies certain developments that will not be considered inappropriate in it, none of which allow for the siting of a mobile home on undeveloped land.
6. As the proposed development would not meet any of the exceptions identified in local or national policies, it therefore amounts to inappropriate development.
7. As the site is largely undeveloped, the siting of a mobile home on the land would also cause harm to both the visual and spatial openness of the Green Belt in this location.

### *Other considerations*

8. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. The mobile home would allow the appellants to live on site, providing security and 24 hour monitoring of the horses stabled there. The Framework encourages the sustainable growth and expansion of all types of business in rural areas. The business would provide employment paying above the national minimum wage. There is considerable interest in the service that would be offered by the appellants among several international showjumpers, whose horses are of high value. Potentially this could benefit the UK's standing in show jumping internationally.
9. The appellants also contend that they are unable to afford an alternative site with an existing permission for a rural worker's residence. However, this is a personal circumstance and not a matter to which I can give significant weight in determining this appeal.
10. The Council note that occupation of a site does not guarantee that it would be secure, and alternative measures could be employed at the site to provide security. They also contend that the support shown by third parties is no guarantee that these parties would necessarily commit to having horses stabled at the site if the appeal were to be allowed. The benefits of the

development are not dependent on this site, and alternative sites should be explored.

11. The appeal proposal would be inappropriate development and would also cause harm to the openness of the Green Belt. The Framework requires that substantial weight is given to any harm to the Green Belt.
12. The benefits of the proposal do weigh in its favour. The appeal proposal would allow the appellants to offer a specialist service not commonly available. While other measures could be employed to provide security for the site, a continuous presence would allow immediate attention to be given to any medical needs. The testimony of interested parties with great experience in the show jumping world is compelling, and I see no reason to doubt that this interest would result in take up of the available spaces at the site.
13. Planning permission is sought for a temporary period for the stationing of a mobile home on the site. The mobile home would have to be removed once that period expired, and this can be secured by an appropriately worded condition. Removal of the mobile home would also result in the removal of any harm to the Green Belt. National planning practice guidance advises that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward. No details of any longer-term proposals have been provided, but those are not necessary at this stage.
14. As the proposed development would allow the appellants to establish their practice, for which there is support among potential customers, this outweighs the harm to the Green Belt by inappropriateness and loss of openness that would result from the siting of a relatively modest mobile home for a temporary period. Accordingly, very special circumstances do exist in this instance.

#### *Other Matters*

15. Local resident interest in the proposal noted that horses were already present on the site. While I have only limited information available about the planning history of the site, I note that planning permission has previously been granted for keeping horses there.

#### **Conditions**

16. I have considered the conditions suggested by the Council, and which have been shared with the appellants. I have imposed conditions relating to the removal of the mobile home after a period of three years and restricting occupation of the mobile home to those involved with the business at the time or their dependants. These are reasonable and necessary, considering the specific reasoning to justify the development. I have also imposed a condition specifying the approved plans, for the sake of certainty.

#### **Conclusion**

17. For the reasons set out above, the appeal succeeds.

*M Chalk*

INSPECTOR