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# Appeal Decision

Site visit made on 4 January 2022

**by Graham Wyatt BA (Hons) MRTPI**

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

**Decision date: 8<sup>th</sup> February 2022**

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**Appeal Ref: APP/W1525/W/21/3268220**

**Seven Acres Farm, Crows Lane, Woodham Ferrers, Chelmsford CM3 8RS**

- 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 P Evans against the decision of Chelmsford City Council.
  - The application Ref 20/00866/FUL, dated 18 May 2020, was refused by notice dated 18 December 2020.
  - The development proposed is described as a “change of use of agricultural land to caravan storage yard (retrospective) and the demolition of an agricultural building replaced with caravan storage building”.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In this instance, the issue most relevant to the appeal remains unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

## Main Issues

3. The main issues in this appeal are the effect of the proposal on:
  - the character and appearance of the area,
  - sustainable drainage, and,
  - highway safety.

## Reasons

### *Character and Appearance*

4. The appeal site forms a parcel of land located to the rear of an existing dwelling and contains several agricultural style buildings. The area is rural in character with wooded areas, open fields and agricultural land surrounding the appeal site, contributing towards the intrinsic beauty of the landscape. The site was formerly used as agricultural land and is accessed via a single track lane which is a bridleway and a public footpath. The proposal seeks to demolish four existing buildings on the site and replace them with a single building to be used for the storage of boats and to retain the use of the land for the storage of caravans, motorhomes and small boats.

5. The site is split by a central accessway with distinct areas either side used for the storage of leisure vehicles, made secure by fencing and gates. The written evidence from the Council in the form of historic photographs and aerial views, demonstrates that the land was historically laid to grass with two clusters of buildings arranged along the central access. It is evident that swathes of grass areas within the site have been replaced with hardstanding for caravans to be placed upon. From my visit, although it is bound by mature trees and vegetation, given the time of year, it was still possible to see into the site and the vehicles that were already stored within.
6. Thus, although the site is surrounded by trees, I find that the appeal site nonetheless also contributes towards the rural beauty of the area. I acknowledge that the site is located some 200m from the public highway. However, the vehicles stored on the land are mainly white in colour and are clearly visible from the access way and from the public right of way that lies adjacent to the site. The use of the site to store caravans and other such leisure vehicles detracts from the rural character of the area and represents a visually discordant development that has suburbanised this area of verdant countryside.
7. In addition, the Council calculate that the replacement building proposes a dual pitch roof and spans some 30m in width and 26m in depth, which is not disputed by the appellant. Therefore, it would be considerably larger than the four buildings it seeks to replace, both in floorspace and overall scale, and would be clearly visible from the public footpath. Furthermore, although replacing existing buildings, it would nonetheless further serve to suburbanise the site at the expense of the intrinsic rural character and beauty of the area.
8. I have carefully considered the enhancements proposed as part of the development, along with the containment provided by existing features that would be supplemented by additional landscaping. However, as with all landscaping, it cannot be relied upon to become permanent and would take a very long time to mature. Moreover, the use of landscaping to shield inappropriate development is not good design as it just limits the immediate effect of it.
9. The appellant argues that the development represents a diversification away from agriculture and serves a growing demand for caravan storage facilities. However, although Policy DM8 of the Chelmsford Local Plan 2020 (LP) supports the sustainable growth and expansion of an existing, authorised business, there is nothing before me to suggest that the business is authorised. Additionally, it is evident that the previous use of the existing buildings at the site was for the keeping of poultry, which is not the same use as that proposed, and it would not be in keeping with its context and surroundings. Thus, the development would not comply with Policy DM8 C) of the LP.
10. Furthermore, Policy DM10 of the LP considers the change of use of land and buildings and as the development seeks the replacement of buildings on the site, I am not persuaded that it lends support for the proposal. Moreover, Policy DM10 also requires a change of use of the land to be in keeping with its surroundings, which, for the reasons as set out above, I do not find to be the case.
11. Additionally, although the storage of leisure vehicles may allow its private owners to take advantage of the benefits that may flow from such activities, I am not persuaded that this amounts to a facility for outdoor sport and recreation or indeed a community facility. Moreover, support for such development through Policy DM8 of the LP in seeking to assist businesses, is not unconditional or at the expense of ensuring that it integrates appropriately with its surroundings.

12. Furthermore, whilst some agricultural buildings may be large, they are an accepted form of development within rural settings, along with the sight and sound of agricultural machinery. Although the appellant argues that the proposed building would be similar to other buildings on the site, it would be used for the storage of leisure vehicles such as boats and caravans, which cannot be likened to an agricultural use.
13. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policies DM8 and DM10 of the LP and paragraph 174 of the Framework which seek, amongst other things, to ensure that developments do not adversely impact on the identified intrinsic character, appearance and beauty of the rural area.

#### *Sustainable Drainage*

14. In support of the appeal the appellant provided a Surface Water Drainage Strategy<sup>1</sup> which Essex County Council as Lead Local Flood Authority (LLFA) considered. However, the LLFA reported back to the appellant that it issued a holding objection to the development for the reasons as outline in its letter dated 27 August 2021.
15. It is evident that the LLFA raise several issues that have yet to be agreed with the appellant. These relate to technical matters such as network modelling and storm events, half drain times for the attenuation feature and the requirement to submit engineering drawings for drainage features. Such matters are crucial to the proper functioning of the proposed drainage and without them being agreed with the LLFA, I am unable to conclude that the proposal would not increase the risk of flooding elsewhere.
16. The proposed development is therefore contrary to Policy DM18 of the LP which seeks, amongst other things, to ensure major developments incorporate water management measures to reduce surface water run-off and to ensure that it does not increase flooding risk elsewhere.

#### *Highway Safety*

17. The Council's objection to the development on highway safety grounds stems from the failure to demonstrate that the appeal site would be provided with the required or adequate number of parking spaces. In addition, a turning space has not been provided within the site to enable large vehicles to turn and leave in forward gear, and that there is no consideration for vehicles to pass one another along the single track access into the site.
18. I have carefully considered the written statement from the Council's Highway Engineer. With regard to parking and manoeuvring within the site, the layout has been designed so that a one way system operates. This allows vehicles such as cars towing caravans, and other vehicles such as motorhomes and boats on trailers, to enter the site and be directed to its allocated parking place. Parking is well spaced within the site to allow sufficient room for vehicles to reverse into and out of allocated spaces. Moreover, at such a large site, there would be sufficient space to provide adequate parking provision and I am satisfied that this particular matter could be dealt with via a suitably worded planning condition.
19. I acknowledge that the use has the potential to increase comings and goings of vehicles. However, the lane is not a main road and unlikely to attract vehicular traffic other than those accessing the appeal site and other properties that it

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<sup>1</sup> Surface Water Drainage Strategy, Ambiental, Ref: 5644 SWDS, Final v2.0, 25 January 2021

serves. There is also adequate space within the site to allow vehicles to wait while others pass. Once onto the lane, visibility to the appeal site is good and one can see if vehicles are exiting the site and vice versa. Thus, there is adequate opportunity for a vehicle to consider stopping at the entrance into the site or the lane.

20. Moreover, one has to accept that the lane to the site is used by vehicles accessing other properties and I have not been directed to any vehicle weight, width or height restrictions on the lane. Although I acknowledge that it lacks appropriate passing places, it is evident that at such a short distance to the appeal site, the lane operates successfully without evidence of any accidents or incidents.
21. Overall, I have been provided with limited evidence to prove that, in this case, the lane would be of an insufficient standard to accommodate the increase in vehicle movements. I am sympathetic to concerns that further intensification of the site could lead to a point where the associated impact on highway safety becomes unacceptable, but on the basis of the evidence before me and on my own observations, I do not find that this development represents that point. It follows therefore, that the proposal would not have an unacceptable effect on highway safety in the vicinity of the appeal site.
22. Thus, the development would not result in harm to highway safety. It would not be in conflict with Policy DM27 of the LP and paragraph 111 of the Framework which seek, amongst other things, to that developments do not have unacceptable impacts on highway safety. In reaching this decision, I have also had regard to the Essex County Council Parking Standards, Design and Good Practice 2009.

### **Other Matters**

23. The appellant refers to other caravan storage facilities that have closed, resulting in a demand for the type of use proposed. I also recognise that there is a wish to diversify from agricultural activities. However, while noting the benefits that would result in these respects, I do not consider that either individually or cumulatively they outweigh the harm identified above.
24. I also note that should this appeal fail, the owners of the vehicles and caravans stored at the site would be required to find alternative accommodation, which it is argued would be less sustainable, with customers having to travel further to store their caravans and motorhomes. Although I have sympathy for this particular matter, the harm I have identified to the character and appearance of the area is serious and far outweighs the benefits of allowing the use to continue.

### **Conclusion**

25. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

*Graham Wyatt*

**INSPECTOR**