
Appeal Decision

Site visit made on 8 February 2022

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2022

Appeal Ref: APP/W1525/W/21/3272269

Stockbrook Orchard, Stock Road, Stock, Ingatestone, Essex

- 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 Wallis against the decision of Chelmsford City Council.
 - The application Ref 21/00018/FUL, dated 30 December 2020, was refused by notice dated 15 March 2021.
 - The development proposed is construction of a new building to accommodate an ancillary tearoom.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new building to accommodate an ancillary tearoom at Stockbrook Orchard, Stock Road, Stock, Ingatestone, Essex, in accordance with the terms of the application, Ref 21/00018/FUL, dated 30 December 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Location Plan and detailed plan of elevations and floorspace.
 - 3) Prior to their use details of the proposed materials to be used in the construction of the development, hereby permitted, shall be submitted to and approved by the local planning authority.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to Stockbrook Orchard farm shop and nursery

Main Issues

2. The main issues are:
 - Whether the proposed development would be inappropriate development, in the Green Belt, and
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, amounting to very special circumstances necessary to justify the proposal.

Reasons

Whether the proposal amounts to inappropriate development

3. Stockbrook farm shop and nursery comprises a series of buildings and structures located around a yard used for both open storage and parking. The appeal site lies towards the centre of the site and close to the main nursery building. The whole site is surrounded by tall trees which screen it from its surroundings.
4. The appeal scheme is for a café to be used ancillary to the existing business. The proposed building would have a floor area of around 160square metres and a height to its ridge of around 3.8metres. The proposal is inappropriate development and does not fall with the exceptions identified under Paragraph 149 of the Framework.
5. The Council's Policies SPS11 and DM6 of the Chelmsford Local Plan (the Local Plan) seek to protect the openness and permanence of the Green Belt and only allow inappropriate development under very special circumstances.
6. From my assessment of the appeal scheme, the proposed tearoom amounts to inappropriate development in the Green Belt. For this reason, it conflicts with Policies S11 and DM6 of the Local Plan and furthermore with Paragraph 149 of National Planning Policy Framework (the Framework) and would by definition be harmful to the Green Belt. None of the exceptions included in the Framework apply in this instance.

Other considerations

7. The appellants' case is predicated on the need for a tearoom to support the business. A similar proposal was granted planning permission in 2017 as an extension to the farm shop building which lies on the frontage. However, due to a combination of changes to operational management arising from the Covid 19 pandemic and the identification of a sewer running under the site of the permitted scheme, this has not been developed.
8. The appeal site is located at the centre of the complex of buildings on part of the existing yard. From the Framework's definition of previously developed land, it is evident that the site does not fall within this definition. However, the site is hard surfaced being used for open storage. It is small in area and largely hidden from views from the highway and surrounding properties.
9. The Framework states that substantial weight should be given to any harm to the Green Belt. However, both the size of the building in relation to the wider site and its cumulative impacts with existing buildings would have a negligible effect on openness. Although the Council has cited an appeal decision relating to a similar proposal¹, it would appear that the proposed tearoom in that appeal would only have been partially screened and would have led to encroachment into the countryside diminishing the gap between 2 existing settlements. For this reason, this appeal can be distinguished from that decision as the containment of the site means that encroachment would not occur.

¹ APP/R3705/A/12/2179998

10. The very limited harm to the openness of the Green Belt resulting from this scheme when compared to an improved trading position for a small rural business with the possibility of additional employment is sufficient to merit the very special circumstances required to overcome the definitional harm arising from the inappropriateness of the scheme.

Conclusions

11. Whilst the Framework states that substantial weight is given to harm to the openness of the Green Belt, I find that the other considerations in this case clearly outweigh the limited harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify this development.
12. For these reasons I conclude that the appeal scheme is not in conflict with Policies S11 and DM6 of the Local Plan. The appeal is allowed and planning permission is granted.

Conditions

13. I have imposed a planning condition in respect of the plans for reasons of certainty. A condition has been imposed in respect of the materials to be used in the construction of the tearoom to protect the character and appearance of the area. Finally, I have imposed a condition requiring that the proposed café should only be used as ancillary to the existing farm shop and nursery to avoid the introduction of a separate business on this site which could result in additional activities which could lead to harm to the Green Belt.

Stephen Wilkinson

INSPECTOR