



Appeal Decisions

Site visit made on 4 May 2022

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal A Ref: APP/A1530/W/21/3276830

Thrift Farm Barn, Horkesley Hill, Nayland, Colchester CO6 4JP

- 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 Lawrence Motts (Motts Body Repair Specialists Ltd) against the decision of Colchester Borough Council.
- The application Ref 190576, dated 25 February 2019, was refused by notice dated 18 February 2021.
- The development proposed is described as "to retain six underground containers (coloured pink on the photograph) whose purpose is to support the earth bank to the south of the new workshop and to protect the mature oak tree on the south east boundary. 2. To retain a parking area for approximately fifteen to twenty vehicles on the land to the south of the site (coloured green on the photograph). Please note in excess of fifty trees were planted in January 2019 which will reduce visual impact along the western boundary, on the top of the earth bank and on the eastern road boundary (marked with crosses on the photograph). They are a mixture of native species, listed in the attached Woodland Trust information sheet".

Appeal B Ref: APP/A1530/W/21/3276832

Thrift Farm Barn, Horkesley Hill, Nayland, Colchester CO6 4JP

- 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 Lawrence Motts (Motts Body Repair Specialists Ltd) against the decision of Colchester Borough Council.
- The application Ref 190228, dated 24 June 2019, was refused by notice dated 17 February 2021.
- The development proposed is described as "for the office building to be 'retained as built' along with the adjoining storage containers".

Appeal C Ref: APP/A1530/W/21/3276834

Thrift Farm Barn, Horkesley Hill, Nayland, Colchester CO6 4JP

- 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 Lawrence Motts (Motts Body Repair Specialists Ltd) against the decision of Colchester Borough Council.
- The application Ref 191645, dated 19 December 2018, was refused by notice dated 17 February 2021.
- The development proposed is described as "for the current temporary continued use of the Motts Body Repair Ltd office and current temporary continued use of the containers (highlighted grey in supporting documents) for one year".

Decision

1. **Appeal A** is dismissed.
2. **Appeal B** is allowed, and planning permission is granted for the office building to be retained as built along with the adjoining storage containers at Thrift Farm, Barn, Horkesley Hill, Nayland, Colchester CO6 4JP, in accordance with application Ref 190228, dated 24 June 2019, subject to the following condition:

- 1) The development shall be retained in accordance with the following approved plans: Site Plan, Site Location Plan, drawing entitled "office and storage" and accompanying photographs.
3. **Appeal C** is allowed, and planning permission is granted for the current temporary continued use of the Motts Body Repair Ltd office and current temporary continued use of the containers (highlighted grey in supporting documents) for one year at Thrift Farm, Barn, Horkesley Hill, Nayland, Colchester CO6 4JP, in accordance with application Ref 191645, dated 19 December 2018, subject to the following condition:
 - 1) The development shall be retained in accordance with the following approved plans: Site Plan, drawing entitled "Temporary Office" and accompanying photographs.

Preliminary Matters

4. For ease of reference, I refer to the different cases as Appeal A, Appeal B and Appeal C in this decision letter as set out in the headers. I have dealt with each appeal on its own individual merits but to avoid duplication, I have considered the appeals together in this document. Although there are three appeals, for the ease of reading, I have used singular terms in places.
5. Since the submission of the appellant's appeals the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I sought the views of the main parties in writing, and I have taken any subsequent responses into account in reaching my decision.

Main Issues

6. The main issues are the effect of the developments on the character and appearance of the area, including the Dedham Vale Area of Outstanding Natural Beauty (AONB) and the setting of the adjacent listed barn.

Reasons

7. The appeal site forms a roughly triangular parcel of land that is accessed off Horkesley Road and contains a number of buildings used in connection with the established motor business that operates from the site. The buildings include two large barns that are described as a traditional barn and a Dutch barn. Opposite these buildings is a large, modern workshop building with a parking area between.
8. The proposals before me seek permission to retain an office building and adjacent storage containers used in connection with the business. In addition, permission is also sought for the retention of six metal shipping containers and an area of raised land to the south of the containers which is used as a parking area for staff vehicles.
9. The appeal site lies within Dedham Vale AONB. Paragraph 176 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. In addition, the traditional barn on the site is also a Grade II Listed building.

10. Policy DP9 of the Colchester Borough Council Development Policies 2010 (the DP) states that new rural employment buildings will only be supported in exceptional cases where there are no appropriate existing buildings, and the need has been adequately demonstrated. This requirement is rather onerous when considered against the Framework, which states at paragraph 84 that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, through the conversion of existing buildings and well-designed new buildings.
11. The office building is single storey and constructed using horizontal timber cladding. It has a pitched roof and contains a number of windows and glazed doors. The office building is located against the western boundary of the site and sited between the workshop building and the traditional barn. It is visible through the access into the site and is seen as part of the cluster of buildings that have formed around, and face into, the large parking area that exists at the centre of the site. The adjacent storage containers have vertical cladding to the front which have been painted green. However, these buildings are essentially hidden from view as a result of the intervening workshop building.
12. Given the context of the development, the office building and adjacent storage containers form part of the commercial operations that take place at the site. I do not find that they are particularly prominent within the landscape and are read as part of the existing business operating from within. Whilst the building and container have a utilitarian appearance and use, not dissimilar to the large workshop building, they are part of the central cluster of buildings and any harm to the AONB would be severely limited as a result of their single storey construction and through the existing vegetation on the western boundary. Importantly, in accordance with paragraph 84 a) of the Framework, their low-level design and rural appearance represent well-designed buildings that enable the growth and expansion of the business operating from the site.
13. Additionally, having regard to the nature of the site and the presence of the larger workshop building directly opposite the listed barn, the office building and adjacent storage containers have a limited effect on its setting as a designated heritage asset, which remains the dominant building within the site. I do not find that the office or storage buildings to compete with its presence or its significance as a traditionally constructed timber framed barn. Thus, they would have a neutral effect upon its setting as a designated heritage asset.
14. Thus, I find that the retention of the office building and the adjacent storage containers to be compatible with the business use at the site, would not harm the integrity of the Dedham AONB or the setting of the listed building. Consequently, Appeal B and Appeal C succeed.
15. The development also seeks the retention of the metal shipping style storage containers that have been positioned to form a row behind the workshop building. The land within the site at this point rises to the south, where an access has been created that passes the metal containers, leading to an area of parking where the site tapers to a point. The containers have timber, sleeper style beams installed on top and have been largely covered with earth, save for the access doors into each container. They serve to retain the land above them and as they have earth on top of them, they are essentially buried into the land and described as being underground.

16. The evidence from the Council in the form of aerial photographs, demonstrates that the land forming the southern end of the appeal site was previously undeveloped, with changes occurring around 2018 to create the parking area. Whilst I accept that the storage containers are largely concealed from views as a result of the existing boundary hedging, they are nonetheless an integral part of the parking area to the south. This area has dramatically changed since 2018 and now forms a parcel of land with vehicles parked or stored upon it.
17. Notwithstanding the presence of the business to the north of the parking area and underground containers, it is located within the Dedham AONB and so has the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty. Moreover, new development is more restricted in this area, and I remain unpersuaded that the parking area and containers have conserved or enhanced the quality and local distinctiveness of the landscape character of the AONB. Whilst the containers and parking area may not be overly intrusive in the landscape, it nonetheless remains important to protect the intrinsic qualities of the area, which as a designated landscape is very sensitive to change. The use of the land to park vehicles, along with the shoring up of the land with the containers have undoubtedly altered the site to the detriment of the scenic beauty of the AONB and, by failing to complement its overall character, would harm its integrity.
18. However, given the intervening development between the underground containers and the parking area to the south, especially the workshop building, I am not persuaded that the setting of the listed barn to the north would be harmed as a result of this particular element of the development before me.
19. Therefore, with regard to Appeal A, this seeks to retain the underground containers and the parking area to the south. I have found this element of the appeal site to harm the integrity of the AONB and as such, Appeal A is dismissed. It would conflict with Policies UR2 and EV1 of the Colchester Borough Council Core Strategy 2008 (the CS) which seek, amongst other things, to ensure that developments do not have an adverse impact on the Dedham AONB.
20. With regard to Appeal B and Appeal C, this seeks to retain the existing office building and the adjacent storage containers. I have found, for the reasons as set out above, that these buildings would not have an adverse impact on the AONB and would have a neutral effect on the setting of the adjacent listed building. They would not therefore be in conflict with Policies UR2 and ENV1 of the CS and Policies DP1, DP9, DP14 and DP22 of the DP which seek, amongst other things, to ensure that developments respect and enhance the character of the site and its context, do not adversely impact on the AONB or the setting of listed buildings.

Conditions

21. The Council has suggested a number of conditions that I have considered in accordance with the Framework and the national Planning Practice Guidance. As the development for the office and the adjoining storage containers has already been carried out, there is no requirement for the standard time condition. However, the approved plans should be specified to provide certainty.

22. In the interest of the visual amenities of the area, the Council has suggested a landscaping scheme and a landscape management plan to be agreed and implemented. However, given the location of the office building and the adjacent storage containers, there does not appear to be scope for additional planting, over and above what has already been undertaken in the form of new hedge planting. Moreover, the site is mainly covered in hardstanding and the space taken up by the development is marginal when considered against the totality of the existing enterprise. Landscaping to the boundaries is also existing. Thus, I am not persuaded that a landscaping scheme for the office building and adjacent storage containers is necessary or would serve any useful purpose.
23. The Council has also suggested that no external lighting or floodlighting shall be installed at the site. However, from my visit I noted that large floodlights are already installed on the existing buildings and therefore, I do not see the need to restrict lighting for the office and the adjoining storage containers. A condition to provide revised external facing and roofing materials is also not required as I have found the buildings to be acceptable in their current form.

Conclusion

24. Thus, with regard to Appeal A, the appeal is dismissed, and planning permission is refused.
25. With regard to Appeal B, the appeal is allowed and planning permission is granted subject to the aforementioned condition.
26. With regard to Appeal C, the appeal is allowed and planning permission is granted subject to the aforementioned condition.

Graham Wyatt

INSPECTOR