



Appeal Decision

Site visit made on 1 March 2023

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2023

Appeal Ref: APP/A1530/W/22/3303400

Langenhoe Hall, Langenhoe Hall Lane, Langenhoe, Colchester, Essex CO5 7NA

- 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 Guy Wormell of Wormell Motor Works against the decision of Colchester Borough Council.
 - The application Ref 213402, dated 03 November 2021, was refused by notice dated 27 January 2022.
 - The development proposed is a new MoT station and vehicle workshop, with electric charging stations in the car park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Colchester Borough Local Plan 2017-2033 Section 2 (CBLP2) was adopted on 4 July 2022. Policies of the new plan replace those of the Colchester Borough Core Strategy (amended 2014) and the Colchester Borough Development Policies (amended 2014).
3. The submitted plans show two different site areas, depicted by red lines on the plans. I have determined the appeal on the basis of the larger site area depicted on the Block Plan, drawing number 2153-P01.
4. In their highways appeal statement, Essex County Council refer to policies of the Highway Authority's Development Management Policies 2011, but I have not been provided with those policies. Colchester Borough Council advise that these policies were not referred to in their reasons for refusal, they have not adopted them, and they should be given no weight in my determination of the appeal. I have therefore proceeded on that basis.

Main Issues

5. The main issues are:
 - The suitability of the location for the proposed use, with particular regard to its location in the Coastal Protection Belt (CPB), its accessibility, and the character of the area; and
 - the effect of the development on highway safety and efficiency.

Reasons

Location:

6. The appeal site is part of an undeveloped field, laid to grass, within a rural area designated as the Coastal Protection Belt (CPB) in the CBLP2. It is not located

within a settlement, but adjoins a farmyard and buildings in commercial use at the end of the Langenhoe Lane.

7. The text supporting CBLP2 Policy ENV2 describes the CPB as having a unique character which should be strongly protected and enhanced, and a local need for greater priority to be given to the restraint of potentially damaging development. It acknowledges that some developments nevertheless require a coastal location and cannot be located elsewhere, are needed to help sustain the socio-economic base of a coastal area, or serve the needs of the local coastal community, such as some sustainable tourism or leisure related developments.
8. At 940sqm the proposed building would be a substantial size, and would be used for the servicing, MoT testing and maintenance of electric vehicles. The appellant advises the development would relocate an existing business, which has outgrown its existing premises beyond the adjacent farmyard, and that the development would meet the specific requirements for working on electric vehicles.
9. The building would bear some similarities to an agricultural building, but would also be industrial in terms of its design and appearance. CBLP2 Policy ENV2 requires development to respond positively to local character and context and only supports development in the Coastal Protection Belt which, among other things, requires a coastal location and is located within the developed area of the coast. Notwithstanding the existing use in buildings nearby, a vehicle maintenance and testing use does not require a coastal location.
10. CBLP2 Policies SG3 and DM6, which relate to economic growth and economic development in rural areas and the countryside, direct new employment developments to designated areas and existing sites in rural areas. New rural employment buildings are supported only exceptionally. I note the appellant's reference to the unsuitability of an employment site in Peldon, but have not seen a compelling demonstration that there are no other suitable buildings in the locality. Even if that were the case, with the information before me I am not convinced that such a use of this scale cannot be located in or adjacent to the urban area, which is only a short drive away, or in larger settlements.
11. Similarly, if the development is considered to be the expansion of an existing business into the countryside (despite not being immediately adjacent to the existing MoT use), I am not convinced that sufficient consideration has been given to relocation of the business to a Strategic or Local Economic Area, or to an alternative rural site in a more sustainable location.
12. I am not bound by previous decisions of the Council, but nevertheless note that the existing use with planning permission is located in a significantly smaller former agricultural building associated with the complex of farm buildings. The proposed development is of a significantly greater scale with a new and substantially larger proposed building beyond the developed farmyard.
13. Overall, for the reasons above, the appeal site is not a suitable location for the proposed development. It would result in a significantly larger development than the existing business, in a poorly accessible location. At the scale proposed it would be better located in an area with broader transport options. Paragraph 85 of the National Planning Policy Framework (the Framework) encourages provision for business and community needs in rural areas, but the proposed development would not meet its requirements.

14. CBLP2 Policy ENV1 recognises that the requirement for new development within the countryside to meet identified development needs must be carefully balanced with adverse impacts on the landscape and character and beauty of the countryside. The development as a whole would be large, and prominent in the countryside and the CPB from Langenhoe Hall Lane, and to a lesser extent, the public right of way to the east. The building would not be entirely agricultural in its appearance, and would be surrounded by extensive hardstanding. It would reduce the open character of the area, and the presence of large agricultural buildings adjacent is not sufficient justification for the development of a large non-agricultural development in this location.
15. In conclusion, the development would therefore not be a suitable location for the proposed use, with particular regard to its location in the CPB, its accessibility, and the character of the area. It would conflict with the relevant aspects of Colchester Borough Local Plan 2013-2033 Section 1 (2021) (CBLP1) Policy SP3, which makes existing settlements the principle focus for additional growth, according to their scale, sustainability and existing role. And with CBLP2 Policies ENV1, ENV2, SG1, SG3 and DM6, which are described above and require growth to be located in the most accessible and sustainable locations in accordance with the Local Plan spatial strategy and spatial hierarchy (which places the countryside in the last tier, below the urban area of Colchester, sustainable settlements, and other settlements).

Highway safety and efficiency:

16. Langenhoe Hall Lane is a narrow, publicly maintained, road without footways, accessed from the B1025. The road surface is cracked and uneven in places, and may originally have been designed solely to serve a farm and country house. Today the lane serves a modern farm and fields, along with business uses adjacent to the farmyard and a small number of dwellings. As the road terminates at Langenhoe Hall, there is no through traffic. It connects with the public rights of way network at its eastern end, and the Council advises it is popular with walkers.
17. At my site visit I noted that the road functioned as a single-track road with a shared surface for vehicles and pedestrians. Vehicles travelled at relatively high speeds, and there was only limited opportunity for pedestrians to leave the carriageway in some locations. Although there are grass verges either side of the carriageway in the vicinity of the appeal site, these appeared to be in private ownership, as demonstrated by the blue line on the submitted plans. At the time of my visit there were obstacles and a sign on some verges, which sought to dissuade vehicles from leaving the carriageway.
18. The proposed development would be of a significant scale, and I have not seen details of the overall anticipated traffic volumes, or those currently using the road. The appellant advises that the existing business would relocate into the new building, and that there would be only a small increase in traffic over existing levels. However, the existing business is not within the appeal site, and there is no mechanism before me to require cessation of the existing use in that location. Not being within the appeal site, revocation of the existing planning permission could not be secured by planning condition.
19. At the proposed site entrance there is relatively good visibility along the lane in both directions, and the proposed junction into the site itself would be unlikely to be a point of conflict.

20. I have also not seen evidence to suggest that the B1025 Colchester Road could not accommodate additional traffic. However, the lane is a long road without passing places, and opportunities for vehicles to pass are limited to a small number of narrow accesses to dwellings and fields. With the information before me, as a long single track shared surface without footways, street lighting, or suitable passing places, Langenhoe Hall Lane is poorly equipped to accommodate the additional traffic likely to be generated by the use at the scale proposed.
21. The proposed plans show a large apron around the building which the appellant's statement advises would be hardstanding. The appellant estimates that around 20 cars would be on the site at any one time, although the highway authority considers it may be up to 30. The appellant also considers that most deliveries would be made by small vans of less than 3.5 tonnes, but the highway authority are concerned there would be insufficient turning space for larger vehicles. Nevertheless, given the area of land within the appeal site, and considering the larger site area as described above, this is a matter which could be addressed by planning condition requiring suitable parking and turning within the site.
22. In conclusion, with the information before me, the development would harm highway safety and efficiency, and would be contrary to CBLP2 Policy DM21, which permits development only where there is physical and environmental capacity to accommodate the type and amount of traffic generated in a safe manner. It would also conflict with paragraphs 110 and 111 of the Framework, which require safe and suitable access to the site for all users. I have not found conflict with CBLP2 Policy DM22, which relates to parking.

Other Matters

23. There would be a small increase in employment of 3 staff, which attracts limited weight in favour of the development. There may also be some benefit of this location to existing and future customers living in the rural area, however, given the close proximity of the urban area, only very limited weight can be given to it. The absence of material harm in relation to other matters weighs neutrally in the planning balance. The limited weight in favour of the development overall would therefore not outweigh the harm I identify in relation to the main issues.
24. Natural England advises that the development is within the Impact Risk Zones of statutory designated conservation sites. As I am dismissing the appeal for other reasons, I have not considered these matters further.

Conclusion

25. For the reasons above, I conclude the development would conflict with the development plan as a whole, and there are no other material considerations that require a decision to be made other than in accordance with the development plan. The appeal should therefore be dismissed.

Peter White

INSPECTOR