



Appeal Decision

Site visit made on 16 January 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/H1515/W/23/3322832

7A Hallsford Bridge Industrial Estate, Ongar Road, Stondon Massey, Ongar, Essex CM5 9RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Heatherland Limited against the decision of Brentwood Borough Council.
 - The application Ref 22/01395/FUL, dated 27 September 2022, was approved on 3 March 2023 and planning permission was granted subject to conditions.
 - The development permitted is Change of temporary planning permission (20/01144/FUL) to permanent Change of Use from motor vehicle parking to motor vehicle parking and storage of empty skips.
 - The condition in dispute is No 6 which states that: *Within 6 months of the date of this decision, a report and accompanying scaled drawing(s) shall detail where the space and infrastructure for electric vehicle charging/plug-in points is to be provided for the vehicles used in the operation of and visitors to the site. The documents shall detail the type, capacity/charge rate, design, scale, location and include manufacturers information as a minimum and shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the charging points shall be fully operational within 3 months of the condition discharge, and retained in perpetuity.*
 - The reason given for the condition is: *In order to provide for the transition to electromobility and reduce pollution and climate change impacts in the interests of the health and wellbeing of the public in accordance with policy BE11.*
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Decision

1. The appeal is allowed and the planning permission Ref 22/01395/FUL for Change of temporary planning permission (20/01144/FUL) to permanent Change of Use from motor vehicle parking to motor vehicle parking and storage of empty skips at 7A Hallsford Bridge Industrial Estate, Ongar Road, Stondon Massey, Ongar, Essex CM5 9RB granted on 3 March 2023 by Brentwood Borough Council, is varied by deleting condition 6 and substituting for it the following condition:
 - 6) Within 6 months of the date of this decision, a report and accompanying scaled drawing(s) shall detail where the space and infrastructure for electric vehicle charging/plug-in point(s) is to be provided for vehicles used by staff and visitors to the site. The documents shall detail the type, capacity/charge rate, design, scale, location and include manufacturers information as a minimum and shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the charging points shall

be fully operational within 3 months of the condition discharge, and retained in perpetuity.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments and the Framework in reaching my decision.

Main Issue

3. The main issue is whether the condition is reasonable or necessary in the interests of maximising the use of electric and low emission vehicles.

Reasons

4. The appeal site consists of a compound located on the opposite side of the highway from the appellant's main offices and depot. Planning permission for the use of the appeal site was originally granted for a temporary period, and this was then granted on a permanent basis in March 2023. The permanent planning permission was granted subject to Condition 6 requiring the provision of details for electric vehicle charging/plug-in points, and it is this condition which is the subject of this appeal.
5. The appellant considers that the condition is not reasonable as there is no electricity supply within the appeal site. They also submit that vehicles parked on the appeal site while being charged would hamper the use of the site for its intended purpose.
6. However, the main office and depot of the appellant's business is opposite the appeal site on land which is under their control. Based on what I have seen and read, there is an electricity supply to that nearby land. Under a planning condition on the appeal site, it would therefore be possible to provide electric vehicle charging facilities on nearby land.
7. The proposal could lead to a potential increase in the intensity of the appellant's operations, with a commensurate increase in the number of employees and visitors. Although there may be no parking for staff or customers on the appeal site itself, I saw that there was parking available on the appellant's main site. Even given the congested nature of the parking I observed, it would be feasible to provide at least a charging point on the appellant's main site for vehicles used by staff and visitors.
8. Policy BE11 of the Brentwood Local Plan 2022 (the Local Plan) seeks to maximise the opportunity of occupiers and visitors to use electric and low emission vehicles. The use of electric cars is increasingly common. It would therefore be reasonable and necessary to provide charging facilities for staff and visitors generated by the proposal in order to meet the requirements of Policy BE11. However, also for reasons of reasonableness, this should be proportionate to the scale of the appeal proposal rather than the operations at the appellant's premises as a whole.
9. The disputed condition refers to vehicles used in the operation of the site, which I consider would include commercial vehicles and HGV's. The appellant has confirmed that they do not plan to move to electric HGV skip vehicles and

that the current technology is not suitable for rural operations. They also confirm that only the appellant's vehicles access the appeal site. The proposal could increase the number of commercial vehicle movements generated by the site, and I am mindful of the requirements of Policy BE11 of the Local Plan in respect of maximising charging points. However, the supporting text of that policy sets out that this should be appropriate and viable, and given the nature of the appellant's operations, particularly in respect of the appeal site, I do not consider that it is reasonable or necessary to require charging facilities for commercial vehicles or HGV's at this time.

10. The appellant refers to the Building Regulations. However, as the proposal relates to the change of use of land rather than a new building it has not been demonstrated that the condition duplicates these Regulations. It has also not been demonstrated that the Regulations would prevent the installation of a charging facility on nearby land and buildings controlled by the appellant.
11. Drawing the above together, I conclude that a condition requiring details of charging facilities in association with staff and visitors generated by the appeal proposal is reasonable and necessary in order to maximise the use of electric and low emission vehicles. The condition would ensure that the proposal complies with Policy BE11 of the Local Plan.
12. However, I have also concluded that the condition is not reasonable or necessary with regard to vehicles used in the operation of the site, including commercial vehicles or HGV's.
13. I will therefore replace Condition 6 with one which refers only to the provision of charging infrastructure for vehicles used by staff and visitors, as well as allowing the provision of a single charging point if appropriate. This wording has been agreed by the Council and the appellant.
14. For the reasons set out above, I conclude that the planning permission should be varied as set out in the formal decision.

David Cross

INSPECTOR