



Appeal Decision

Site visit made on 5 June 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2024

Appeal Ref: APP/W1525/W/23/3329952

Raynor Foods Ltd, Unit 4, Block 3, Farrow Road, Chelmsford CM1 3TH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Matthew Raynor (Raynor Foods Ltd) against the decision of Chelmsford City Council.
 - The application reference is 23/00863/FUL.
 - The development proposed is extension to existing car parking area to front and east side of the building. Proposed extension to security fencing to front, side and rear.
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Decision

1. The appeal is allowed and planning permission is granted for extension to existing car parking area to front and east side of the building and extension to security fencing to front, side and rear, at Raynor Foods Ltd, Unit 4, Block 3, Farrow Road, Chelmsford CM1 3TH in accordance with the terms of the application, Ref 23/00863/FUL, subject to conditions in the attached schedule.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The appeal site lies within an established industrial estate with a series of industrial units accessed off a spine road, Rodney Way. The units are set back from the spine road behind grass verges, which on the opposite side to the appeal site comprise raised grass bunds. A number of trees and bushes are visible within the verges. The proposal seeks to pave over part of the grass verge to the side of the appeal building to provide additional car parking space and alleviate parking congestion in the immediate area. Additional mesh metal security fencing is also proposed, extending similar fencing which already exists to the front of the appeal site.
4. The Council places significant weight on the contribution of the grass verges and greenery along Rodney Way to the character and appearance of the area. It highlights that trees have been removed from the area proposed to be paved and elsewhere along the spine road. The Council's photographs show a previously more sylvan appearance to Rodney Way compared to its currently more open layout, but there is nothing in the evidence to suggest the trees on the appeal site were protected in planning terms or that the Council's consent was required for their removal.
5. I saw that the greenery within the verges provides some visual interest that serves to break up the otherwise utilitarian surroundings which the Council acknowledge is populated by large warehouse-style buildings, expansive

forecourt parking areas and various advertisements. The verges, though a welcome flash of green, are intermittent in places, and some of the parking areas extend close to the spine road. As a result, there are parts of the verge with gaps or where only narrow strips of greenery exist, notably to the units directly across the road from the appeal site.

6. I also saw that the area immediately surrounding the appeal site was subject to severe parking stress, with cars lining the spine road, including on the corners at the entrances to Farrow Road and Tattersall Way. Consequently, the grass verge to the side of the appeal site is obscured by parked cars for much of the day, and its contribution to the long vista along Rodney Way is limited as a result. Indeed, the presence of parked cars means it is only the vertical elements of the greenery – hedges, trees and the raised bunds – which are readily apparent in the view along the spine road. The verges also have a number of features within them, including a smoking area at the appeal site and fenced areas to the sides of the building immediately to the south.
7. Therefore, the loss of some of the grass verge would be within a context of a strong industrial character to the immediate area, with extensive hardstanding, severe parking demand and other functional structures. In this context, the visual impact on the spine road would be limited, particularly as it would still be dominated for much of the day by parked cars along its length. Moreover, the hedgerow to the outer edge of the verge would be retained or replaced to maintain continuity of greenery along the spine road. The proposal also includes the planting of two trees to the northern corner of the site which would further contribute in this respect and create biodiversity potential. These elements could be secured by planning condition. The removal of a sliver of the curved section of grass at the junction of the site would be a very minor alteration with little noticeable effect on its overall appearance.
8. The proposed fencing would be lightweight in form and largely transparent. As such, it would not create a strong visual barrier but would retain the general sense of openness around the appeal building. It would also be seen in context with the existing fencing to the front of the site and other fenced off areas to the side of the building immediately to the south. As such, it would not be an alien or isolated intrusion, but a functional feature of an established industrial character.
9. In reaching a view, I note the Council's reference to a refused planning application for the replacement of the verge with parking further north along Rodney Way¹. However, this scheme differs from that before me in that it was for a significantly larger parking area and notably would have formed several new accesses from the spine road that would have interrupted the continuity of the green verge. Therefore, this scheme does not represent an equivalent circumstance and it is not determinative of the proposal before me, which I have considered on its own merits.
10. Overall, though the proposal is functional in nature, the continuity of existing form and materials and use of replacement landscaping would accord with the National Planning Policy Framework in terms of ensuring developments function well, are sympathetic to local character, and recognising the role of trees in contributing to the character and quality of urban environments.

¹ 23/02025/FUL

11. For the reasons set out, therefore, I find that the proposal would preserve the character and appearance of the area. No conflict would arise with Policy DM23 of the Chelmsford Local Plan (May 2020) which supports development that respects the character and appearance of the area in which it is located and is compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape.

Other Matters

12. The proposal would allow for some rationalisation of parking for the appellant's business and a potential improvement to the indiscriminate parking on the site corner. I acknowledge the Council's point that the effect on wider parking stress in the area would be limited, but it would potentially alleviate some of the pressure within the immediate area and help in a small way to reduce the cluttered appearance of the junction, whilst assisting the functioning of the business on site. The Council refers to the appellant failing to explore sustainable travel options, but no specific policy conflict has been cited in this respect, and in light of my findings on the main issue, this is not a decisive consideration.
13. Widford Hall is a Grade II listed building located a short distance to the south-east of the appeal site. Its setting has long been altered by the development of the industrial estate to all sides of the surviving hall, which is now in office use. The proposed works would be modest in their scale and consistent with the established industrial character. They would integrate into the surroundings and so would have a neutral effect on the setting of the listed building.

Conditions

14. I have had regard to the suggested conditions put forward by the Council. In addition to the standard time limit, a condition specifying the approved plans is necessary to provide certainty. Details of the proposed surfacing materials are required to ensure a satisfactory appearance. Those materials are also required to be permeable to ensure proper drainage of the site and prevent water flowing onto the highway.
15. It is also necessary for the appearance of the site and promotion of biodiversity to ensure details of the proposed soft landscaping are secured before the parking area is brought into use, and for the approved details to be implemented at the earliest opportunity following occupation. Finally, it is necessary to restrict the use of the development for parking associated with the use of the appeal building, to ensure it is used as proposed and to prevent unforeseen uses that may have unanticipated impacts.

Conclusion

16. I conclude that the proposal accords with the development plan, taken as a whole, and there are no material considerations which indicate that planning permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing 22/115/01/C.
 - 3) Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.
 - 4) The areas of hard surfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the highway.
 - 5) Notwithstanding details shown on plan no. 22/115/01/C and prior to the first use of the development hereby permitted, details of soft landscape works shall be submitted to and approved in writing by the local planning authority. The works shall be carried out as approved prior to the first use of any part of the development or in the first available planting season following such occupation. The landscaping details to be submitted shall include:
 - a) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - b) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - c) management details and a five year maintenance plan.
 - 6) The vehicle parking area hereby permitted shall not be used for any purpose other than the parking of vehicles that are related to the use of the business on the site.
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