



Appeal Decision

Site visit made on 14 October 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/W1525/W/24/3339008

New Industrial Site, Highwood Road, Writtle, Chelmsford CM1 3PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Neil Searle of Stapleford Commercial Group Ltd against the decision of Chelmsford City Council.
 - The application Ref is 23/01385/OUT.
 - The development proposed is outline planning permission for the construction of a new warehouse (Use Class B8) with ancillary office floorspace and including new access, car parking/servicing arrangements.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration apart from access. I have considered the appeal on this basis but had regard to the proposed plans, insofar as they are a potential way that the appeal site could be developed.

Background and Main Issues

3. There are four reasons for refusal on the decision notice, however the Council has confirmed that they no longer intend to pursue reason for refusal three relating to the ecological effects of the proposal. Taking account of the findings of the updated Preliminary Ecological Assessment, the proposal would not be harmful to protected species. The proposal would therefore accord with Policy DM16 of the Chelmsford Local Plan (2020) (CLP).
4. On this basis, the main issues are:
 - whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt, and the purposes of including the land within it;
 - whether the proposed development would be in a suitable location, having regard to the Council's spatial strategy;
 - the effect of the proposal on flood risk; and

- whether harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The appeal site falls within the Metropolitan Green Belt. It comprises a parcel of land that accommodates an area of hard surfacing at its boundary with the main road and an access road that leads to an existing industrial unit adjacent to the site. The rest of the site is a grass field with vegetation, including hedge and tree planting along three of the site's boundaries.
6. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Framework paragraph 154 establishes that the construction of new buildings is inappropriate in the Green Belt, subject to several exceptions. My attention has been drawn to the exception at paragraph 154g), which allows for the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.
7. CLP Policies S11 and DM6 seek to protect the Green Belt and identify types of development that are not inappropriate in the Green Belt, including the redevelopment of PDL. These policies are broadly consistent with the aims of the Framework which seek to protect the Green Belt from inappropriate development.

The partial or complete redevelopment of PDL which does not have a greater impact on openness.

8. The Framework definition of PDL includes land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. It excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. It is not disputed that the area of hardstanding and access road within the site falls within the definition of PDL and that no other structures remain. Even taking account of the planning history of the site and the land adjacent, there is no substantiated evidence that the appeal site accommodated a building or that the entire site is PDL. In any event, given the appearance of the site, the remains of any structure on the site have now blended into the landscape.
9. Even if I were to find the appeal site as a whole to be PDL, the determining factor in assessing the scheme in relation to the exception at Framework paragraph 154g) is the effect of the proposal on openness. The Framework indicates that openness is an essential characteristic of the Green Belt which relates to the presence or otherwise of built development and has a spatial as well as a visual aspect. 'Open' can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible from the public realm.
10. The appeal site is largely a featureless grass field and is generally enclosed by vegetation and trees and the adjacent existing industrial unit. The site is said

to be degraded and of poor agricultural quality and the appellant's Landscape and Visual Impact Assessment concludes that the landscape has capacity to absorb the proposed development with a carefully considered design. I have no clear reason to come to a different view.

11. Regardless of its public visibility and moderate visual effect, and notwithstanding the proposed strengthened boundary planting as screening, the proposal would introduce a significantly increased volume of built development compared to the existing development at the site, reducing Green Belt openness in spatial terms. As well as the industrial unit itself, the proposed parking areas and service yard would erode openness within the confines of the site. The proposal would therefore have a greater impact on the openness of the Green Belt than the existing situation. Consequently, the exception set out at Framework paragraph 154g) would not be met.

Conclusion on whether inappropriate development

12. The proposal would fail to meet any of the exceptions set out in Framework paragraph 154 and would be inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on openness and purposes of Green Belt

13. I have found that the proposal would have a greater impact on the openness of the Green Belt than the existing development at the site. The loss of openness would be localised and mitigated by the limited degree of public visibility. Nevertheless, because of the scale of the proposal there would be a significant level of harm to openness in spatial terms.
14. Despite the presence of the existing industrial unit adjacent to the appeal site, and the proposal being described as an extension of the built form and not a stand-alone building, by introducing development onto land that was previously permanently open, it represents some encroachment of development into the countryside. Having regard in particular to the bulky form of the proposal and the amount of hardstanding, it would have an urbanising effect on the grass field.

Location

15. The Council's spatial strategy is outlined in CLP Policies S1 and S7 and focuses development in the most sustainable locations in accordance with the settlement hierarchy. The appeal site lies outside of any settlement boundary. While it is suggested that the existence of the adjacent industrial unit means that the proposal would create its own strategic employment location, the appeal site is not allocated for development or within an area where employment growth is directed in line with the Council's spatial strategy.
16. The proposal would allow the expansion of an established business and aid the growth of local employment opportunities which would support the broad objectives of the CLP. However, this would not negate the locational requirements of the spatial strategy. Therefore, overall, the proposal in this location would be contrary to the spatial strategy. Furthermore, even if the proposal would comply with some parts of CLP Policy DM8, this policy also requires new buildings and structures in the rural area to not adversely impact on the intrinsic character of the countryside and I have found the proposal to

represents encroachment of development into the countryside that would have an urbanising effect.

17. The appeal site is located on a national speed limit road with no footpaths, narrow grass verges and no street lights. It would not be a particularly attractive route to take for pedestrians or cyclists, even if there is a key service settlement within one mile. I did not observe any bus stops near to the appeal site and it is not disputed that owing to the site's location there are limitations to public transport options. Moreover, the appellant's Transport Statement acknowledges that it is expected that travel to and from the site, including by employees, would be by private vehicles.
18. In the context of Framework paragraph 115, the proposal would not generate a level of additional traffic movements that would have a severe cumulative impact on the road network and highway safety did not form a reason for refusal. Nevertheless, and taking account that accessible transport solutions will vary between urban and rural areas, in relying on travel by private vehicles, the proposal would not encourage the use of non-car modes, contrary to the spatial principle seeking development to be located in sustainable locations.
19. For the above reasons the proposal would not be in a suitable location and would conflict with CLP Policies S1 and S7 as a consequence.

Flood risk

20. CLP Policy DM18 requires all major development to incorporate water management measures to reduce surface water run-off and ensure that it does not increase flood risk elsewhere. Appendix 6 of the Appellant's submissions demonstrates that the proposed drainage strategy includes a 45% climate change allowance and has been designed to accommodate extreme rainfall events. As such the proposal would attenuate surface water appropriately and would not increase flood risk elsewhere. I note that the Council have no concerns in this respect either. Consequently, the proposal would not adversely affect flood risk and would accord with CLP Policy DM18.
21. Notwithstanding that CLP Policy DM18 is primarily concerned with mitigating flood risk and makes no reference to the treatment of surface run-off, in using the Simple Index Approach (SIA) tool, which is for sites with a low to medium risk pollution hazard level, it has not been demonstrated that the treatment mitigation for the high pollution hazard level arising from the proposed use would be appropriate. The SIA suggests that for high hazard pollution a more precautionary approach should be considered. Nevertheless, the inclusion of a suitable further stage of treatment could be secured through the imposition of an appropriately worded planning condition.

Other considerations

22. The proposal would contribute to the delivery of employment land and the creation of 35 jobs in the local area. These are clear benefits of the scheme which in the context of the scale of the proposal attract moderate weight.
23. I have no reason to doubt the intentions of the adjacent existing business to occupy the proposed development. However, despite their specific needs, including the sharing of infrastructure and access to main highway arterial routes, there is no clear evidence to demonstrate that the proposal is the only

way to achieve the business' aims of expanding its operations. It is indicated that the proposal cannot be located elsewhere in the local authority area and that it would be unviable to move to a strategic employment location, however there is no robust evidence in this regard.

24. Furthermore, it is unclear whether these statements relate to the floorspace of the proposal alone or the combined existing operation and proposed new floorspace that is required to expand the business. Consequently, while it is suggested that the proposal would be unlikely to come forward unless it can be located adjacent to the existing business, in the absence of any substantiated evidence I give the specific needs of the appellant limited positive weight.
25. From the brief overview of the industrial/warehouse market provided it is not clear that a rigorous review of the availability of alternative sites for the appeal scheme has been properly explored. Therefore, even if the recently commissioned employment land review will take some time to complete, the availability of alternative employment sites carries limited weight in favour of the development.

Green Belt Balance and Conclusion

26. While I have not found any harm in respect of flood risk, I have found the proposal to be in an unsuitable location, in conflict with the development plan.
27. The proposal is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Taking account of the site size and the scale of the proposed development there would be a significant reduction of spatial openness which would harm the Green Belt. The proposal would also result in the moderate encroachment of development in the countryside which would be harmful to the purposes of including the land within the Green Belt. The totality of the Green Belt harm attracts substantial weight. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
28. I attach moderate weight to the benefits of the proposal and limited weight to the specific locational and operational requirements of the appellant and the availability of alternative sites, which make up the other considerations. As such, the other considerations do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist and the proposal would fail to accord with the Green Belt aims set out in CLP Policy DM6 and the Framework.
29. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR