



Appeal Decision

Site visit made on 5 November 2024

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/W1525/W/24/3340007

Meadowcroft, Woodham Road, Rettendon, Chelmsford, Essex SS11 7QU

- 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 Mrs Lisa Smith on behalf of W.D Smith and Son against the decision of Chelmsford City Council.
 - The application Ref is 23/01143/FUL.
 - The development proposed is temporary permission to expand the car park capacity at Meadow Croft Garden Centre.
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Decision

1. The appeal is allowed and planning permission is granted for temporary permission to expand the car park capacity at Meadow Croft Garden Centre at Meadowcroft, Woodham Road, Chelmsford, Essex SS11 7QU in accordance with the terms of the application, Ref 23/01143/FUL, and subject to the conditions in the attached schedule.

Preliminary Matters

2. To avoid unnecessary duplication, I have omitted the site address from the development description.

Main Issues

3. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, with particular regard to the effect of the proposal on the openness of the Green Belt;
 - Whether the proposal would enable the sustainable growth and expansion of a rural business;
 - Whether any 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

4. The appeal site includes an area of car park associated with an existing garden centre business and an adjoining area of grassed open space. The site is at the front of the garden centre buildings and adjacent to the highway. The garden

centre complex straddles the Metropolitan Green Belt, and the appeal site comprises land within the Green Belt.

5. Policy S11 of the Chelmsford Local Plan 2020 (CLP) protects the openness and permanence of the Green Belt, supporting opportunities for its beneficial use where consistent with the purposes of the Green Belt.
6. At paragraph 142, the Framework attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the essential characteristics of Green Belts are their openness and their permanence. The Green Belt's purposes are described at Framework paragraph 143 and include keeping the unrestricted sprawl of large built-up areas in check, preventing neighbouring merging of towns, safeguarding the countryside from encroachment, preserving the setting and special character of historic towns, and assisting in urban regeneration.
7. Paragraph 152 of the Framework regards inappropriate development as harmful to the Green Belt and should not be approved except in very special circumstances. However, CLP Policy DM10(A) permits engineering operations within the Green Belt where they preserve openness and do not conflict with the purposes of including land within the Green Belt, reflecting the provisions of Framework paragraph 155.
8. The proposal would extend car parking across the grassed area at the southwest portion of the site. The proposed car parking surface material would comprise a cellular, permeable paving grid to provide a firm surface for vehicles and pedestrians, above a layer of aggregate and geotextile fabric.
9. Whilst the surface material is intended to allow grass to grow through to reduce its visual impacts on the landscape, I cannot be certain that grass would successfully establish across the surface material to the extent it would be concealed. In addition, the proposed site layout plan indicates the surface would comprise marked bays, vehicle circulation routes, and above ground features, namely, trolley storage bays. Therefore, the proposal would have an urbanising effect upon the site, significantly altering its present natural and grassed appearance.
10. The proposal would enable the garden centre complex to accommodate approximately 100 additional parked cars. The number of cars parked on the appeal site at any given time would be influenced by the garden centre's opening hours and its peak periods. Nonetheless, the presence of stationary vehicles and increased activity from vehicle and pedestrian movements would have adverse spatial and visual impact on the open character of the site.
11. The site's front boundary abuts the highway of Woodham Road. There are clear views into the site from the highway through the sparsely vegetated boundary. The proposal would include temporary new landscaping, comprising reinforced planting along the boundary to Woodham Road, tree and hedge planting to the southwest car park edge, and tree planting within the site.
12. The landscaping proposals aim to disguise the parking and trolley bays from view and minimise visual impacts on the Green Belt. However, the efficacy of this screening is unclear since the proposed use is intended for only a temporary period and it would take time for planting to reach maturity.

Therefore, whilst the proposed landscaping would serve to screen the development to some degree, the proposal would give rise to visual impacts which would be experienced by staff and customers, passing road users, and users of the public right of way crossing the site.

13. The proposal would adjoin the existing car park and would be viewed in the context of existing built development including the prominent garden centre buildings and residential development to the southwest. However, whilst, the existing car park is sited in front of the garden centre buildings, the proposed car park would project beyond the buildings onto open land in front of rising grassed land and a mature hedgerow. Therefore, from Woodham Road, the proposed car park would not benefit from the visual backdrop of the garden centre buildings but would appear to encroach into open countryside.
14. A temporary planning permission was previously granted for expanded car park capacity at the site during the peak trading period around Christmas of 2023/24. Therefore, the temporary visual impacts of car parking on the site have previously been experienced within the landscape. However, the temporary permission has ceased, and the proposal would be materially different from the previous temporary permission due to its duration of five years and its fixed features and infrastructure.
15. The justification for the use of a temporary five-year planning permission is to meet a specific short term need for additional parking whilst a permanent parking solution is explored. The proposed surface material is intended to have a relatively low impact on the ground surface, supporting future restoration of the site, and would not therefore form a permanent structure.
16. The effects of the proposal on Green Belt openness would exist for a temporary period, after which the open land would be reinstated following cessation of the proposed use. Whilst acknowledging such effects would be experienced for a temporary period only, the proposal would nonetheless have adverse spatial and visual impacts on Green Belt openness during the duration of the development.
17. As set out above, the proposed engineering operations would fail to preserve Green Belt openness and therefore would not satisfy CLP Policy DM10. The proposal would comprise inappropriate development, which CLP Policy S11 indicates should not be approved except in very special circumstances.

Sustainable growth of a rural business

18. Between the nursery, garden centre, and restaurant, the existing business employs 170 people in a range of full and part time roles. The site therefore hosts an existing business which is a large employer, located in the rural area.
19. CLP Policy S8 supports the delivery of economic growth and sets out principles for assessment of development proposals, including that "support will be given to the sustainable growth and expansion of rural businesses".
20. The recent restaurant expansion has increased the number of customers visiting the garden centre each day. Through providing additional car parking spaces, the proposal would enable the garden centre to accommodate a greater number of customers without adverse effects on highway safety.

21. Paragraph 88 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport, whilst noting that in these circumstances it will be important to ensure that development is sensitive to its surroundings. I have considered the effects of the proposal on its Green Belt surroundings, above.
22. Through meeting its parking needs, the proposal would support the expansion of an existing rural business. The proposal would therefore comply with CLP Policy S8.

Other considerations

23. The appellant contends there are other considerations which weigh in the scheme's favour, namely that the additional parking capacity would improve highway safety and efficiency.
24. The Transport Statement identifies high demand for car parking during the garden centre's weekend peak periods. The appellant indicates that during peak times the free flow of traffic on Woodham Road, a rural road with a national speed limit, is seriously compromised by customers unable to enter the garden centre complex due to the car park being full, on occasions requiring management by garden centre staff and police and resulting in congestion at Woodham Road. In addition, inadequate car park capacity results in some customers parking along the road verge, further frustrating the flow of traffic, and adversely affecting highway safety and efficiency.
25. The local highway authority (LHA) welcomes the proposal, noting the car park operates at or over capacity during the garden centre's peak Saturday and Sunday opening, with pressure on parking demand at periods during the days. The Council acknowledge there is existing pressures for parking at the site and a greater need for parking at Christmas, Easter and bank holidays, and that lack of parking has led to parking on Woodham Road causing highway congestion and difficulties for customers and through traffic. Therefore, the harmful effects of the garden centre complex on highway safety and efficiency are not disputed.
26. Whilst there is some disagreement on how parking standards should be applied to the existing uses, the Transport Statement demonstrates the proposal would provide sufficient car parking to support the uses within the garden centre complex and exceed the minimum requirements of the LHA's parking standards. Therefore, I am satisfied the proposal would be successful in reducing congestion and inappropriate on-street parking associated with the existing inadequate parking capacity of the garden centre. Therefore, the proposal would improve highway safety and efficiency.
27. Most of the garden centre complex is outside the Green Belt boundary, and the Council suggests it would support a scheme for parking on land to the north of the appeal site. The appellant has provided an Alternative Options Statement which sets out alternative parking options being considered outside the Green Belt.
28. The statement provides three alternative options, with one option discounted due to site constraints. Therefore, the statement demonstrates there are two alternative options that would be acceptable to the appellant.

29. Each of the permanent alternative options would require significant changes to the site layout. For example, to accommodate parking at the field west of the garden centre buildings would require review of an agricultural lease, removal of a large glasshouse, hedgerow, and formation of an access route. Similarly, land at the northeast of the site would require removal of hardstanding, trees and other features, formation of a suitable access route, relocation of gas tanks and security gate, provision of space for manoeuvring large vehicles, and consideration of potential impacts on living conditions at nearby dwellings.
30. The Statement demonstrates the delivery of the alternative options is constrained by the need for further design considerations, the scale of construction works, and overall development viability. Therefore, there is no reasonable prospect that either alternative option could be delivered in the short term.
31. Whilst it is not certain that a permanent solution would be delivered within 5 years, the appellant considers the five-year permission would allow the business a reasonable time to assess and investigate a longer-term solution. The Council suggest that, if a permanent parking solution is not found, it would be difficult to justify the removal of the proposed temporary parking area since it would be established on the site and relied upon by the business. However, the Council has provided a suggested condition which would discontinue the use and compel the appellant to restore the site to its former condition. Therefore, the Council would be able to remove the temporary parking through enforcement of the planning condition.
32. For these reasons, I am satisfied the appeal proposal represents the only viable option for additional parking at the garden centre complex available in the short term, and no other reasonable solution to alleviate congestion has been put forward. The appeal proposal therefore represents the only realistic option for improvement of highway safety and efficiency for the duration of the planning permission.

Whether very special circumstances exist

33. As set out above, the proposal would be inappropriate development in the Green Belt and would harm openness. At paragraph 153, the Framework requires substantial weight be given to any harm to the Green Belt.
34. Paragraph 152 of the Framework states inappropriate development should not be approved except in very special circumstances. Paragraph 153 indicates that very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
35. As discussed above, the expansion of a rural business would accord with CLP Policy S8, and therefore I have identified no other harms from the proposal.
36. Whilst I afford substantial weight to the Green Belt harm, I acknowledge that the harm to openness would occur for a temporary period of five years, after which the site would be remediated to its previous condition. Logically, I must conclude that temporary harm to the Green Belt is of lesser magnitude than if the proposed development were sited permanently.
37. Through increasing car parking capacity, the proposal would ameliorate the harmful effects on highway safety and efficiency associated with garden centre

complex's traffic. The proposal demonstrates that there are no other viable solutions available within the site in the short term. Congestion is harmful to the safety of road users, generates emissions that are harmful to the environment, and has adverse social and economic impacts through delay to journey times. Within this context, I attach significant weight to the proposal's positive effects in respect of highway safety and efficiency.

38. I therefore find that, in this case, the significant weight afforded to the other considerations would clearly outweigh the temporary harm to the Green Belt openness that I have identified. Consequently, the very special circumstances necessary to justify the development exist.
39. The proposal would therefore comply with CLP Policies S11 and DM10 which support inappropriate development where justified by very special circumstances.

Other Matters

40. The grassed area is designated as Public Open Space in the Local Plan. The appellant indicates the site was used by a local football club on a temporary basis prior to a permanent pitch facility being secured elsewhere. The appellant suggests the site is no longer in use by the football club or any other team. At time of my site visit, there was no visible evidence of any recent use for sport or recreation activities. The temporary loss of the public open space did not form a reason for refusal, and in my decision I have had regard to the advice received from Sport England, the body of government responsible for growing and developing grassroots sport and getting more people active. Sport England raised no objection to the proposal, subject to the imposition of a planning condition relating to the removal of the temporary car park and restoration of the playing field area at the end of the temporary period. Therefore, I am content the proposal would not reduce the sporting capability of the site on a permanent basis.
41. The Council refer to an appeal decision¹ relating to an enforcement notice against the relocation of a business onto land in the Green Belt with surfacing, fencing, and portacabins. The development was not justified by very special circumstances and therefore the circumstances are material different to the appeal proposal and do not suggest a different outcome should be reached.

Conditions

42. A standard condition for commencement of development within three years is deemed to be imposed on every planning permission. However, for the sake of completeness I have expressly imposed the condition. In the interests of certainty, I have included a condition specifying the approved plans.
43. The development serves to meet a specific short term need for additional parking and seeks a temporary planning permission of five years. In addition, a temporary permission is necessary to avoid prejudicing the long-term sports use of the site. Whilst the appellant suggest they may accept a shorter temporary permission, they indicate the business would require five years to evaluate alternatives. I have therefore included a condition limiting the use and requiring remediation within five years of the date of this decision.

¹ Appeal ref: APP/W1525/C/21/3277776

44. To mitigate visual impacts of the development on the Green Belt, I have imposed a condition requiring submission of a scheme of landscaping. To avoid unacceptable light pollution, I have included a condition requiring submission of details of external lighting.
45. In the interests of highway safety, I have included conditions requiring the areas for storage of materials and manoeuvring of the vehicles be provided clear of the highway and requiring the vehicle parking and turning areas be used only for this purpose. However, to avoid duplication with the plans and landscaping conditions, I have omitted reference to the surfacing and layout of parking spaces.
46. Since there would be no changes to the cycle parking proposals, I have not imposed the LHA's suggested condition relating to cycle parking. Public right of way Rettendon Parish 229 crosses the existing garden centre car park from the highway access and runs behind the site to the north. I have no reason to consider the proposal would affect access along the public right of way, and therefore have not imposed the LHA's suggested condition.

Conclusion

47. As set out above, very special circumstances exist to justify inappropriate development in the Green Belt and there are no other matters that would lead me to reach a different conclusion.
48. Consequently, I conclude the proposal would comply with the relevant provisions of the Framework and the development plan when considered as a whole. The appeal should therefore be allowed.

E Dade

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 nos: 23-0065-001-A Site Location Plan; 23-0065-002-A Existing Site Layout Plan; 23-0065-002-B Proposed Site Layout Plan; 41810BWLS-01 Topography Survey.
- 3) The temporary use hereby permitted shall be for a limited period for 5 years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before a 5-year period starting with the date of this decision.
- 4) Prior to first occupation of the development hereby permitted, details of both hard and 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 occupation 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) hard surfacing including pathways, other hard landscape features and materials;
 - b) existing trees, hedges or other soft features to be retained;
 - c) planting plans including specifications of species, sizes, planting centres, number and percentage mix;
 - d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife;
 - e) Management details and a five year maintenance plan
- 5) No external lighting shall be installed within the site without details having been submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details.
- 6) Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.
- 7) The vehicle parking area and associated turning area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

END OF SCHEDULE