



Appeal Decision

Site visit made on 12 November 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/W1525/W/24/3342668

Tinsley Farm, Blind Lane, West Hanningfield, Essex CM2 8UF

- 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 P J Stacey and Son against the decision of Chelmsford City Council.
 - The application Ref is 23/02051/FUL.
 - The development proposed is the change of use from agriculture to a catering business (Class E(g)).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The original planning application was submitted retrospectively given the change of use has already occurred. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of neighbouring occupiers on Blind Lane with particular regard to light, noise and disturbance from vehicular traffic associated with the business.

Reasons

4. The appeal building is within Tinsley Farm, a farm holding comprising several buildings in agricultural and commercial uses. The site is located at the end of Blind Lane, which is an unclassified single width road. Whilst some dwellings are well set-back from the road, there are also several properties sited close to the road.
5. The appellant states that the catering business has been operating since 2009/10 and that the vehicle movements associated with the change of use, amounting to approximately 88 per week, are not excessive and have not negatively affected the living environments of neighbouring occupants. I note the letters in support of the proposal. However, there is little evidence before me that the business has been operating for over 15 years. I have also not been provided with a transport report presenting recorded data that would enable me to assess whether the level of traffic associated with the change of use is accurate.
6. The frequent passings of vans and cars on the narrow lane would be noticeable given the quiet rural character of the area. I find that 88 vehicular

movements per week is a considerable amount. These could also occur late in the evening and over weekends given the nature of the business. The proposal results in increased noise and disturbance associated with the traffic flows, eroding the tranquillity enjoyed by the occupiers of properties bordering Blind Lane. The neighbour's objection and the comments submitted by the Parish Council suggest that the change of use has already led to harmful impacts in this regard.

7. The appellant states that there are no sharp bends where headlights would shine directly into properties. However, there are bends in the road and given there are no streetlights on Blind Lane, the use of full beam headlights is likely. Even at an oblique angle, full beam headlights can disturb residents in their homes.
8. Although the appellant states that Blind Lane is already well-used by heavy agricultural vehicles, their movements are slow and infrequent for significant periods of the year and are also expected in this rural location. In comparison, the regular movements of vehicles associated with a year-round catering business is more noticeable and more likely to be seen as a source of nuisance given they are more frequent and can occur in the evenings and at the weekend when surrounding occupiers can reasonably expect quiet enjoyment of their homes and gardens.
9. I note that other commercial uses have recently been approved within buildings at Tinsley Farm. These uses relate to storage and car repairs and therefore generate limited vehicular movements. They are not comparable to a catering business which is dependent on multiple weekly deliveries as well as the daily movements of 4-6 full-time employees.
10. Essex County Highways did not object to the proposal from a parking and highway safety perspective. Notwithstanding this, it has not been demonstrated that the change of use has not unacceptably increased traffic flows on Blind Lane and harmed neighbouring amenity.
11. Given the above, the proposal has an adverse effect on the living conditions of the neighbouring occupiers on Blind Lane with particular regard to light, noise and disturbance. It conflicts with Policy DM29 of the Chelmsford Local Plan 2020 which seeks to ensure that development proposals safeguard the living environment of neighbouring occupiers and do not result in excessive noise, activity or vehicle movements.

Other Matters

12. The appellant states that the change of use can be achieved via Class R of Part 3, Schedule 2 of the Town and Country (General Permitted Development) Order 2015. Under Class R, the development is not permitted if the building was not used solely for an agricultural use as part of an established agricultural unit on 3rd July 2012. However, the appellant states that the business has been operating since 2009. Furthermore, I have no substantive evidence to indicate that there is more than a theoretical prospect that a Certificate of Lawful Existing Development would be submitted should this appeal be dismissed. This limits the weight that I can attach to this prospect as a fallback position. I have attached minimal weight to these considerations.

Planning Balance and Conclusion

13. The National Planning Policy Framework supports the effective use of land and the expansion of business. The change of use supports the rural economy, and this weighs positively in favour of the appeal. However, this must not come at the expense of the living conditions of neighbouring occupiers. Therefore, the economic benefits do not outweigh the harm I have identified.
14. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
15. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR