



Appeal Decision

Site visit made on 4 March 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2025

Appeal Ref: APP/Z1510/W/24/3346970

15 Mill Lane, Cressing, Essex CM77 8HN

- 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 Andy Bouttell against the decision of Braintree District Council.
 - The application Ref is 24/00585/FUL.
 - The development is a change of use to part residential (Class C3) and part business (Class E) use.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.
3. The application was submitted retrospectively, and I saw during my site visit that the development was in place and the appeal site was being used for business purposes. I have therefore considered the appeal on a retrospective basis.

Main Issues

4. The main issues are the effect of the development on:
 - the living conditions of the occupiers of the neighbouring dwellings in relation to noise and disturbance; and
 - the character and appearance of the surrounding area.

Reasons

Living Conditions

5. The appeal site is a residential property with a number of outbuildings in the rear garden, two of which are used in conjunction with the appellant's business, a street lighting maintenance and repair company. This includes an office and part of the garage used for storage. The appeal development also includes an area of hardstanding in the rear garden, accessed via the side of the host dwelling, which is used for the parking of company vehicles, two vans with cherry pickers. The

appeal relates to the change of use of these elements to a business use (Class E), with the remainder of the site to remain under a residential use (Class C3).

6. The appellant has outlined that they are the occupier of the host dwelling and would be the only person to work onsite, in the office outbuilding. Two employees would also visit the appeal site each day (Monday-Friday) at approximately 8am, individually by car, to collect one of the company vehicles and any necessary equipment before returning between approximately 2-3pm each day. The two employees would park on the front driveway during this time, which is adequate in size to accommodate this. The business use on the appeal site therefore equates to six additional vehicular movements per week day, or four net vehicular movements per day in total, as the appellant is not required to commute offsite.
7. The appellant has outlined that there are no business deliveries to the appeal site, as anything required is collected by the employees on route. The parking of vehicles, by the two employees, to the front of the site would also be very similar to normal residential visits by carers, friends or family. However, the employees would then go into the rear garden of the property, to collect instructions, load the company vehicle with equipment and leave the site. The appellant has outlined that this would take a maximum of one hour, with the employees leaving the site at 9am the latest. They would then return in the afternoon and, presumably, unload the van and depart the appeal site.
8. The company vehicles are located on an area of hardstanding directly adjacent to the boundary fence with the property, 17 Mill Lane and the access for these vehicles onto the highway is also alongside this boundary. Due to the close proximity to this neighbouring residential property, it is therefore likely that the business related activity outlined above, taking place twice per day, results in an unacceptable level of noise and disturbance to the occupiers of this dwelling. Due to the quiet, residential back garden environment in which it is located, it is also likely that this activity results in an unacceptable level of noise and disturbance to the occupiers of other neighbouring properties around the appeal site. Particularly as noise from employees talking, moving around the site and loading the van would be difficult to control and is very different to any outdoor amenity noise normally experienced in a residential environment.
9. Conditions have been suggested to control the hours of operation of the business use, restrict deliveries and limit the number of employees and business vehicles, along with various other matters. However, even if the business is restricted to operating as outlined above, this would not reduce the current impact on the living conditions of the occupiers of neighbouring dwellings in relation to noise and disturbance.
10. As such, for the reasons above, the development results in harm to the living conditions of the occupiers of the neighbouring dwellings and conflicts with the relevant section of Policy LPP52 of the Braintree District Local Plan 2013-2033 (the LP) which seeks to ensure that there is no unacceptable impact on the amenity of any nearby properties.

Character and Appearance

11. The surrounding area is largely residential in nature with a linear form of development along Mill Lane, parking to the front of dwellings and the properties on the western side having long gardens to the rear. Many of the surrounding

properties have large outbuildings in the rear garden, so the outbuildings on the appeal site do not appear as incongruous features and the appeal only relates to their use. The appellant has also stated that outdoor storage does not form part of the appeal development and I saw no evidence of this on my site visit.

12. However, the development does include a parking area to the rear of the property for the parking of two vans with cherry pickers. Whilst these are not particularly visible within the streetscene, screened from view by large timber gates, they would still be visible to the occupiers of neighbouring properties when using their rear gardens. This is particularly the case from the property 17 Mill Lane, which is directly adjacent the parking area. The nature of these vehicles gives the appeal site a commercial appearance which appears at odds with the residential surrounds, particularly in this rear garden location, to the detriment of the character and appearance of the surrounding area.
13. It is noted that the appellant could park two campervans or vans in this location as part of the existing residential use. However, these would be more common in a residential environment and therefore are not directly comparable to the appeal development, which involves the parking of these particular vehicles.
14. Therefore, as the development harms the character and appearance of the surrounding area, it conflicts with the relevant section of Policy LPP52 of the LP which seeks to ensure that there is a high standard of layout and design in all developments in the district.

Other Matters

15. It is noted that no objections were received from either adjoining neighbour. However, this does not mean that the development does not harm their living conditions or would not harm the living conditions of any future occupiers and does not alter my findings on the main issues.
16. The appellant contends that the business, supported by the development, provides public benefit by maintaining and repairing street lighting for 80 local councils in the surrounding area, with competitive pricing due to low overheads, and that the development allows the business and associated employment to remain in the district. However, no evidence has been provided to suggest why this could not be achieved elsewhere, such as a dedicated commercial area. Furthermore, any reduction in commuting from the dwelling, for the appellant, is minimal and therefore given limited weight.
17. The appellant also states that small scale rural employment and growth is supported within the local development plan and the Framework. However, this does not negate or outweigh the harm identified and therefore is also given limited weight.

Conclusion

18. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR