Planning Inspectorate

Appeal Decision

Hearing held on 9 September 2026

Site visit made on 9 September 2026

by I Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 16 November 2026

Appeal Ref: APP/W1525/W/25/3371126
Bishops Lodge, Broomwood Lane, Ramsden Heath, Billericay, Essex CM11 1JR

- 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 J Murphy and Corporate Spec Ltd against the decision of Chelmsford City Council.
- The application Ref is 25/00253/FUL.
- The development proposed is demolition of 5 poultry sheds and the construction of 5 buildings in B8 storage use. Proposed change of use of 1 poultry shed to B8 storage use, including repair and re-cladding works. Installation of security fencing and gates.
- This decision supersedes that issued on 19 December 2025. That decision on the appeal was quashed by order of the High Court.

Decision

1. The appeal is allowed and planning permission is granted for demolition of 5 poultry sheds and the construction of 5 buildings in B8 storage use. Proposed change of use of 1 poultry shed to B8 storage use, including repair and re-cladding works. Installation of security fencing and gates at Bishops Lodge, Broomwood Lane, Ramsden Heath, Billericay, Essex CM11 1JR in accordance with the terms of the application, Ref 25/00253/FUL subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the application the description of development was changed. I have used the description as it appears on the Decision Notice as this provides a clearer description of what is proposed. However, I have removed a reference to the application being retrospective as this is not an act of development.

3. As indicated above, the original appeal decision on this proposal was quashed following a successful challenge in the High Court. The quashed decision is treated as if it had not been made. Therefore, my role is to redetermine the case rather than to review the previous appeal decision.

4. I have had regard to the quashed appeal decision, insofar as it forms a material consideration, but have determined the appeal afresh on its planning merits having regard to current planning policy and practice.

5. Following the previous appeal decision, a revised version of the National Planning Policy Framework (the Framework) was published on 17 August 2026. The parties have had, during the course of the appeal, the opportunity to comment on those changes and agreed a revised Statement of Common Ground (SoCG). I have

taken any comments received and the revised SoCG into account in my decision. Thus, no party has been prejudiced or caused any injustice by my having regard to the changes to the Framework when determining this appeal.

Main Issues

6. The main issues in this appeal are: -

- Whether the appeal site is Grey Belt land and whether the proposal would be inappropriate development having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
- The effect of the development on the openness and purposes of the Green Belt; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, to amount to the Very Special Circumstances required to justify the proposal.

Reasons

Reasons

Whether inappropriate development

7. There is no dispute between the parties that the appeal site (the site) lies within the Metropolitan Green Belt. Policy GB6 of the Framework identifies that development in the Green Belt is inappropriate unless it falls within one of the categories set out in policy GB7. GB6 further establishes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC) and that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposed development, is clearly outweighed by other considerations. The Framework stipulates that in balancing such harm, the harm to the Green Belt, including harm to its openness, attracts substantial weight.

8. Policies DM6 and DM10 of the Chelmsford Local Plan 2020 (the Local Plan) are generally consistent with the Framework inasmuch as the exceptions cited align with those in Policy GB6 of the Framework and that they seek to resist inappropriate development except in VSC. However, as the policies predate the Framework's introduction of the concept of grey belt land, they are silent in that regard.

9. Given that there is no dispute between the main parties that the appeal site satisfies the definition of grey belt, this is, in this instance, an omission that has a significant bearing on the proposal and so this material inconsistency with the Framework, in accordance with the guidance provided within Appendix A of the Framework, limits the weight that I place on the Development Plan Policies.

10. Policy GB7(g) of the Framework identifies that development would not be inappropriate development where it satisfies four criteria. The first of these being that the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.

11. ‘Grey belt’, for the purposes of plan-making and decision-making, is defined in the Framework as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) set out in policy GB2.

12. There is agreement between the parties, and, on the basis of the evidence before me, I see no reason to dispute this, that the site does not strongly contribute to purposes (a), (b) or (d). Similarly, there is agreement that the development of the land would not fundamentally undermine the purposes, when they are taken together, of the remaining Green Belt across the area of the plan. Again, I have no reason to disagree with their view and agree that the site is grey belt land.

13. As a result, the proposal complies with the first criterion of GB7g. Having regard to the fourth criterion, that only applies to development that provides housing, and so it is not relevant to this proposal.

14. The other criteria relate to an unmet need for the development and whether it would be in a sustainable location, and it is here that dispute lies between the parties and I will now consider these matters in detail.

Need

15. The parties are in agreement that the proposed development falls within Use Class B8 (storage and distribution). Strategic Policy S6 of the Local Plan seeks the provision of a minimum of 55,000 sqm of new business floorspace (Use Classes B1–B8) through allocated development sites and existing commitments.

16. This overall provision has been met. However, the requirement for new business floorspace within the Local Plan encompasses multiple use classes to provide flexibility of provision.

17. This notwithstanding, the existing Local Plan allocations are insufficient to meet the needs identified in the up-to-date assessment of need set out in the evidence base for the Emerging Local Plan (ELP).

18. The Council has carried out an Employment Land Review[1]. This has subsequently been updated[2]. This assesses employment need using three scenarios, Scenario 1: Labour Demand, Scenario 2: Past Development Rates and Scenario 3: Future Labour Supply. The parties agree that Scenario 2 would be an unsuitable method for determining future employment need but disagree as to whether Scenario 1 or 3 provides the most suitable basis for assessment.

19. The Framework requires plans to be evidence-led and set a positive vision for future growth and change at a sub-regional scale. However, neither the Framework nor the Planning Practice Guidance identify a specific methodology for assessing employment need.

20. Using Scenario 1, Labour Demand, to set a minimum requirement satisfies these requirements, as this approach is grounded in economic forecasts and sectoral growth projections, ensuring that employment land provision aligns with anticipated market demand and strategic economic objectives. By planning for forecasted job growth rather than demographic trends, Scenario 1 supports the

[1] Dated 15th December 2023
[2] Dated 3rd December 2024

delivery of a positive and proactive strategy for employment, consistent with the Framework's emphasis on sustainable economic development.

21. The Council, using this scenario, identify that the allocations within the ELP, in combination with existing permissions would satisfy the identified need. However, this is, again, through a combination of use classes, and B8 uses are not separately identified, falling within this general umbrella of Employment Land.

22. There is dispute between the parties regarding the weight to be given to the ELP. I note that a substantial proportion of previous objections were directed towards two sites, and one of these comprises a significant employment allocation. I am also aware that a focused Regulation 19 consultation on additional sites, incorporating the proposed expansion of an employment site to include B8 floorspace, was undertaken, concluding after the quashed decision was issued. This has now been completed and the ELP has been submitted for Independent Examination in June 2026. However, this process is still ongoing and the ELP has yet to be found sound and made. There thus remains a significant degree of uncertainty as to the final form and content of the ELP. Thus, given the stage that the ELP has reached, it can still only carry modest weight in the context of employment land provision.

23. When the quashed decision was published, the outcome of a public inquiry relating to an appeal over allocation 16b (Land adjacent to A12 Junction Employment Area) within the ELP was unknown. This is now available and outline permission has been granted. However, as the permission is in outline form, there is no certainty at this time of the quantum of provision of B8 floorspace that it would deliver.

24. Similarly, the Council has resolved to grant permission for Zones 1 and 2 of Chelmsford Garden Community, which form part of strategic growth site 6 within the ELP, subject to completion of planning obligations.

25. In all of these cases the quantum of B8 floorspace that will eventually be provided is unclear. And I can place only limited weight on the supposition that current need for B8 uses will be satisfied in the near future through these.

26. Bringing these matters together, given the reliance on the ELP and outline permissions, whose detailed provision remains uncertain, to demonstrate that sufficient employment sites exist to meet Scenario 1, a demonstrable unmet need for B8 uses exists. The proposal therefore satisfies criterion (b) of Policy GB7g.

27. Whilst circumstances have moved on since the previous Inspector reached her conclusions in this regard within the quashed decision, I have reached a similar conclusion to hers at that time.

Sustainable Location

28. Criterion iii. of GB7g requires that the development would be in a sustainable location, with particular reference to Policy TR3 of the Framework.

29. Policy TR3 seeks to ensure that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure.

30. There is dispute between the parties whether the proposal would generate significant amounts of movement. Policy TR3 requires that this is assessed in the

context of the area in which it would be situated and is not, therefore, a simple matter of movement numbers. This is further reflected in the wording of the policy that development proposals should take into account the vision for the site, the type of development and its location.

31. In this case, the appeal site is a former poultry farm lying in an area of scattered development set within a distinctly rural hinterland of mixed wood and agricultural fields. The local road network is comprised of rural lanes of limited width, lacking lighting and footways. The character and appearance of the area is distinctly rural whilst the transport network reflects the needs of its rural setting. Whilst larger vehicles are not unknown, they would be anticipated to be a rarity, rather than the norm. During my site visit I observed that, for even two cars to pass, there was often a necessity to seek a passing space, often one informal in nature.

32. The proposal is for a generic B8 use. It is a matter of consensus between the parties that warehousing and distribution uses, such as that proposed here, are heavily reliant on private motorised transport for access, albeit that the appellants argue that the business has specific characteristics in terms of traffic generation. I will return to this matter later in my decision. However, in regard to a generic B8 use, there is potential for the proposal to generate relatively high numbers of large vehicles and, in the context of this rural setting, this would be a significant amount of movement.

33. Even were I to consider the proposal on the particular merits of the appellants' business as it stands, given the context of the local network I find that the generation of heavy traffic would be likely to be significant in its impact on the network.

34. Warehousing and distribution uses are heavily reliant on motorised traffic. It would not be true to say, however, that they are entirely dependent on such, as the staff at a location would normally be expected to make trips, such as to shop for food, that could, on a more central site, be accommodated by other modes.

35. The closest settlement lies over 1 km away, and there are no alternative transport modes available. It was established at the Hearing that, by their nature the local lanes are not such that they would encourage walking, wheeling or cycling, and there is no evidence before me to demonstrate that public transport routes could be easily accessed so that they would provide a meaningful alternative to the use of the private car.

36. Given the scale of the development and nature of the surrounding network, any meaningful improvements to access to more sustainable modes is impractical.

37. The appellants have brought to my attention sustainability measures, including SBTi accreditation, which improve the sustainability of the appellants' business, including minimising the need to travel. However, of itself, the proposal offers no realistic opportunities for access by more sustainable modes.

38. My attention has been drawn by the appellants to employment sites supported by the Council within the ELP at Waltham Road (Site 9a) and Little Boyton Hall Farm (Site 15a). However, both have more sustainable access to the strategic transport network than the appeal site and so neither are directly comparable to it.

39. While measures to prevent alternative uses, restrict movements and members of the public attending the site would control the use and contribute to its sustainability, they do not remove the requirement for the development proposal to be located where it can support sustainable patterns of movement. Whilst Policy TR3 allows for consideration of measures that can make a location sustainable, the wording of the policy makes it plain that these relate to improvements, including planned improvements, to the network.

40. Bringing these matters together I find that the site is not a sustainable location for the development proposed and cannot be made so within the context of Policy TR3. It therefore fails against the requirements set within criterion iii. of GB7g.

Conclusion on whether inappropriate development

41. By virtue of the failure to satisfy criterion iii. of Policy GB7g. the proposal would be inappropriate development in the Green Belt.

Openness

42. Openness is identified within the Framework as one of the essential characteristics of the Green Belt. It has both spatial and visual aspects.

43. In terms of the spatial impact of the proposal, the height of the proposed replacement buildings would be substantially greater than that of the poultry sheds that they would replace, as evidenced by the disparity in height between the frames of the new buildings on site and Building A.

44. Notwithstanding that the footprint of the proposed buildings would be identical to that of the former poultry barns; the increased eaves and overall building heights would result in a substantial increase in bulk and mass. This would materially reduce the spatial openness within the site.

45. In contrast to the new sheds, which are clad in a shiny, smooth material the former sheds had a more rustic appearance. The appearance of the replacement buildings is more modern, with similarities to commercial warehousing rather than agriculture. That said, the use of such modern materials in new farm buildings has already resulted in a tendency towards such change and the buildings would not be out-of-place on a modern farm.

46. The proposal would be encompassed by a 4.2 metre high perimeter security fence. This, of itself, is an incongruous feature in a rural area. At the Hearing there was discussion regarding the necessity of a fence in such a form and whether, notwithstanding the details provided on the drawings, a suitable, less intrusive form of security fencing could be secured through the imposition of a suitably worded planning condition.

47. There was general agreement between the parties that a fence of the form shown was not an absolute requirement of the development and that alternatives, which would be more acceptable to the Council could be secured through the submission of details at a later date.

48. The site is visually well contained by existing mature planting. Nonetheless, the increased built form and the changes in appearance of the built form within the site would be visible, in glimpses, from Broomwood Lane and, closer at hand, from public footpaths running close to the site boundary.

49. As will be seen above, the parties are in agreement that the proposal would not conflict with the purposes of the Green Belt. Nonetheless, the scheme would have a negative impact on the spatial and visual openness of the Green Belt.

Other Considerations

50. The site has a lawful agricultural use and could revert to such in future. Five of the previous six buildings that occupied the site have been demolished, and this establishes a position whereby the remaining building and the remainder of the land, which is largely covered with hardstanding, could be used for agricultural purposes.

51. Given the large areas of hardstanding, it would be possible to use the land for agricultural storage. The area of hardstanding is considerable and, given that it would be unconstrained, potentially of substantial height and bulk.

52. As such it would have a less formal visual appearance than the permanent buildings proposed and relate closely with the rural character of the area. Due to its informal layout the visual impact of the proposal would be transitory, whilst the buildings would have a permanent presence.

53. As I have identified above, modern farm buildings are often constructed of materials similar to those of the proposed storage sheds. They can also appear in groups similar to that proposed, although no such groupings have been identified to me in the immediate area.

54. As I have discussed above, the former poultry barns were of lesser scale and so the effect of the proposed buildings on openness would be greater than the former sheds, even were I to take these into account. However, I cannot be certain that, given the large areas of hardstanding, and the potential volume of open storage, the spatial and visual and/or spatial effect of open storage on openness from the fallback would be greater.

55. Reference has been made to the former use generating higher levels of activity through vehicular movements than the proposal. However, it is extremely unlikely that a generic B8 use would have a lesser level of activity, including vehicular comings and goings, than that of an agricultural use.

56. Thus, taken overall, the effect on openness of the Green Belt of a generic B8 use within the site, using the buildings proposed would be greater than that of the fallback position.

57. It would, through the use of appropriately worded planning conditions, be possible to control the material finish of the proposed buildings and the height of the fence. However, this would only serve to moderate the visual impact of the development: the fundamental harm arising from the scale, height, and massing of the proposed buildings would not be addressed. Consequently, these measures would not overcome the identified harm to the openness of the Green Belt.

58. There is, however, a fundamental issue as to whether the traffic generation resultant from the development could be made acceptable through the imposition of planning conditions, and this is a principal matter of disagreement between the parties.

59. This matter, and the issues around it, were discussed at length during the Hearing. B8 storage uses can operate in a multitude of different ways, depending on their end user and this can affect the traffic generated by the proposal. The end user, in this case is intended to be the appellants, whose business has a very specific way of operating, resulting in very low daily trip rates, comparable to, or less than an agricultural use to which the site could revert. Security is intended to be provided by a roving patrol operating in the local area. Security trips would, therefore, be likely to be linked trips that would already be on the network in the vicinity.

60. There would be no staff on site and so no generated demand for ancillary trips associated with, say, shopping or buying/delivering lunch.

61. This would engender significantly lower traffic levels than those that could be generated by a generic B8 use, which I have considered above, and would require smaller vehicles than those generally used in agriculture. Further, these trips would not occur with any great frequency, with some days generating only the need for a security patrol.

62. The use of a personal permission, limited to the business, was discussed. The Planning Practice Guidance (PPG) advises[3] that a condition limiting the benefit of the permission to a company is inappropriate because its shares can be transferred to other persons without affecting the legal personality of the company.

63. Thus, to control traffic generation to that envisaged by the appellants, the operation of the site would need to be controlled in such a way that the development would generate traffic in a way that would match that of the appellants' company, as it currently operates. This would require conditions that would restrict the size of vehicles accessing the site, and their number.

64. There was discussion regarding whether a condition restricting the number of vehicle trips fulfilled the tests set out in the PPG[4] and Framework[5], particularly in regard to enforceability.

65. The Council considered that the imposition of such conditions would place an unreasonable burden on them to monitor the site. However, where a breach of planning conditions is reported it is most often the case that this is brought to the attention of the local planning authority by a third party, rather than ongoing active monitoring by the local planning authority. It is likely that the same would be so here. Provided measures are in place to record all vehicle trips and that such records are available to the Council at reasonable notice, so that complaints can be investigated, I do not consider that the monitoring of a condition for compliance, or investigation would place an excessive or unusual burden on the resources of the Council. Practical monitoring of movements at the site entrance would be feasible, and this would pick up any vehicle accessing the site.

66. There was discussion at the Hearing as to how trips should be measured and segregated between operational and non-operational trips. However, I do not see that segregation would be necessary as all trips discussed at the Hearing were operational trips, relating to delivery vehicles and transport for staff attending the site to load and unload, and touch-down visits relating to monitoring of site

[3] Paragraph: 015 Reference ID: 21a-015-20140306
[4] Paragraph: 003 Reference ID: 21a-003-20190723
[5] Policy DB6

security. No need for non-operational trips was identified; thus, a condition need only state the maximum number of trips to the site.

67. There was further discussion about incidental trips generated by the site, such as trips by the emergency services, should a security incident or fire be detected at the site. These, however, would be rare occurrences and should be by no means routine events. In this respect the situation would be no different from any other emergency callout by the emergency services and I do not consider it reasonable to take these into account.

68. Thus, the number of trips and vehicular size could be controlled through the imposition of suitable planning conditions. By so doing, the generation would be less than that of the fallback agricultural use, or the historic use of the chicken sheds.

69. It is a matter of agreement between the parties that the change of use of Building A falls within one of the exceptions to inappropriate development identified in Policy DM10 of the Local Plan and the Framework. Based on the evidence before me I see no reason to disagree.

70. However, the appellants have indicated a requirement for approximately 17,000 m² of floorspace, whereas Building A provides nowhere near that amount. The appellants identify the need to concentrate storage in one location, such that transport needs are minimised.

71. There is a substantial difference between the identified overall storage requirement of the appellants and that which conversion of Building A to B8 storage would provide. Further, the appellants identify that a security fence is needed to secure the site. If this were to protect Building A in isolation, its layout would be radically different to that proposed. There is thus a fundamental question as to the operation of the building in isolation and whether the fence would be built in its proposed layout in association with that. Under such circumstances granting a partial permission would be inappropriate.

72. The parties do not dispute that the proposed development has already commenced on site. Policy DM8 of the Framework seeks to deter deliberate unauthorised development and its subsequent regularisation through retrospective permission. It is clear from the wording of the policy that the breach of planning should be intentional. This was discussed during the Hearing and neither party has presented evidence to me that there was any deliberate intent to circumvent planning controls in this case, agreeing that a simple error, through lack of familiarity with the planning system, has occurred. Based on the evidence before me I find myself in agreement with the parties.

73. Concerns have been raised by neighbours about highway safety, particularly in regard to pedestrians and cyclists using the narrow lanes, who would find themselves in conflict with the vehicles accessing the site.

74. However, it will be seen that, through the imposition of planning conditions, the number and size of vehicles accessing the site would be no more than that associated with its existing lawful agricultural use. Thus, no harm to highway safety would result and I note that the Highway Authority have not objected on grounds of highway safety.

Conditions

75. The conditions suggested by the parties have been considered in light of the advice contained within the PPG and the Framework. There was a discussion of the conditions at the Hearing. The development has already commenced, and so no condition is required to secure implementation within a specified timeframe.

76. A condition is needed to ensure that the development is carried out in accordance with the plans that formed part of the proposal. However, as I have mentioned above, the proposed fencing, as shown on plan ref: 3456/02/45, was considered in discussions at the Hearing to be capable of alteration to produce a better design solution. I have, therefore, added a condition, which was discussed and its wording agreed between the parties at the Hearing, so as to introduce some flexibility of design for this.

77. To ensure that an appropriate quality of design is secured it is necessary to gain certainty of the appearance and composition of the materials to be used in the buildings.

78. The site lies in a rural area which has potential to harbour protected species. The proposal could disturb or harm these protected species. Conditions are therefore necessary to control lighting and how the development is carried out to avoid or mitigate such disturbance, in this manner the aims of Policy DM16 of the Local Plan, which seeks to avoid negative impacts on biodiversity and mitigate unavoidable impacts, are met.

79. The site and its immediate surroundings are well-treed and so a condition is necessary to ensure that the development is carried out in a way that safeguards the existing trees.

80. As discussed above, the highway network surrounding the site is constrained in its layout. I have, therefore, added a condition to secure a Service Management Plan for the site and limit the size of vehicles accessing the site. Similarly, it is necessary, as discussed above, to limit, by condition, the number of vehicles accessing the site and provide a means of recording visiting vehicles. These conditions are necessary to ensure that the proposal does not have an unacceptable impact on the safe and efficient operation of the highway and the wider environment.

81. There are residential properties close to the appeal site and so it is necessary to restrict vehicular movements arising from the operation of the business at the site to specified hours to protect the amenity of neighbours[DR.

82. Given the constrained nature of the site and the adjacent highway network it is essential that vehicles entering and leaving the site are able to turn within the site, so as to enter and leave in forward gear and so I have included a condition to achieve this.

83. For similar reasons it is necessary that adequate provision is made to park vehicles within the site. It will be seen above that the number of vehicles accessing the site at any one time will be low, and so adherence to the adopted Parking Standards would not, in this case, be appropriate as it would be likely to result in over-provision. I have thus included a condition requiring the provision of parking

details so that the correct balance of provision may be struck for the particular characteristics of the development.

84. The particulars of the site whereby, for operational reasons, there will be no trips to the site using bicycles, mean that a condition requiring the provision of cycle parking, as suggested, is unnecessary.

85. A condition was suggested by the Local Highway Authority, in the interests of highway safety, requiring a passing bay to be located within the private access road to allow two vehicles to pass. However, as I have limited the size of vehicles accessing the site, I am satisfied that two vehicles would be able to pass within the existing bellmouth and so the suggested condition is unnecessary.

86. I have amended the wording of the conditions suggested by the parties for clarity.

Green Belt Balance

87. The proposed development would be inappropriate development in the Green Belt. It would also result in harm to the openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.

88. On the other hand, the proposal would provide a B8 employment use, and this could be delivered in the very near future. Whilst any employment created locally would be limited, related to long term additional activity in the security sector, and short-term activity in the construction sector and its supply chain, the proposal would support an existing business providing employment in the region. Further, this business provides services that support the government's intention to move to a low-carbon economy by reusing and recycling goods. The government supports economic growth and so I have afforded the economic benefits of the proposal significant weight.

89. Whilst I have found that the proposal would harm the openness of the Green Belt, this could be mitigated, to a degree, through the imposition of suitable planning conditions. It would not negate that harm, entirely, but this, and the screening provided by existing planting would reduce the effect of the harm to the openness of the Green Belt.

90. The proposal is on Grey Belt land and so the site makes no significant contribution to the purposes of the Green Belt. When assessed against the criteria set out in Policy GB7g of the Framework, the proposal only failed to satisfy the criterion (Criterion iii.) relating to the transport sustainability of its location.

91. A currently unproductive site would be brought back into use. Making better use of vacant and underutilised land and buildings is supported by the Framework and, as I have set out, above, the proposal, through the imposition of suitable planning conditions, would be no worse, in traffic generation terms, including the size of vehicles accessing the site, than the existing lawful use of the site for agriculture. Together these matters add substantial weight in favour of the proposal.

92. As no deliberate breach of planning has occurred the retrospective aspect of the proposal is a neutral factor in my deliberations.

93. Taken together the benefits of the other considerations would clearly outweigh the substantial harm to the Green Belt identified. The VSC required to justify the proposal are, therefore established. The proposed development is therefore in

accordance with Policies S11 and DM6 of the Local Plan and Chapter 13 of the Framework.

Conclusion

94. For the reasons given above the appeal should be allowed.

I Dyer

INSPECTOR

APPEARANCES

For the appellants

Ms Liz Fitzgerald BA (Hons) DiPTP MRTPI- Planning Consultant acting on behalf of the Appellants

Mr Douglas Edwards KC- Counsel instructed to act on behalf of Appellants

Mr John Murphy- Appellant

For the Council

Matthew Perry – Senior Planning Officer

Matthew Draper – Planning Officer

DOCUMENTS RECEIVED AT THE HEARING

HD1 – Agreed wording of Suggested Condition regarding submission of details of fencing.

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the drawings nos: -

3456/02/45	Site Location Plan, Fence Elevation & Legend;
3456/02/45	GF Floor Plan - Units A - F & 3D Site;
3456/02/45	Existing; 3456/02/45 Site Layout, Total Site GIA & 3D Site;
3456/02/45	Plot Type A & B - Elevations & Floor Plan;
3456/02/45	Roof Plan; 3456/02/45 Plot Type C & D - Elevations & Floor Plan;
3456/02/45	Plot Type E - Elevations & Floor Plan;

2. Notwithstanding the details shown on plan ref: 3456/02/45 Site Location Plan, Fence Elevation & Legend, prior to the installation of any gates or fences, details of the gates and fences (including height) shall be submitted to and approved in writing by the Local Planning Authority. The gates and fences shall thereafter be installed and retained in accordance with the approved detail.

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. No external lighting shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. The strategy shall;

   a) identify areas/features on and around the site that are sensitive to bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important territory routes used to access key areas of their territory, for example, foraging; and

   b) show how and where the external lighting will be installed so that it can be clearly demonstrated that areas lit will not disturb or prevent the above species using their territory or having access to their breeding sites, foraging, or resting places.

   All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No additional external lighting shall be installed without prior written consent from the local planning authority.

5. The development hereby permitted shall only be carried out in accordance with the details contained in the approved Preliminary Ecological Assessment (Dated December 2024) and Badger Method Statement (Dated 8 February 2025).

6. In relation to tree protection, tree surgery and construction methods, the development shall only be carried out in accordance with the approved arboricultural report entitled Arboricultural Report and dated 10 February 2025.

7. Prior to the first use of the site, a Service Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Service Management Plan shall include details of maximum vehicle lengths for vehicles used for, deliveries to and for the operation of the site, and how these vehicles will be managed. These shall not, in any case, exceed 8.01m in length.

8. The number of vehicular movements to and from the site, hereby approved, per day shall not exceed twelve.

   A log of all vehicular movements to and from the site, hereby approved, shall be maintained and made available to the Local Planning Authority within 24hrs of a written request in writing to the site operator. The log shall include details of the size of the vehicles.

9. There shall be no vehicular movements to or from the site arising from business activities therein, other than for security purposes, outside of the hours of 0700 – 1700 Monday to Friday, 0900-1300 Saturday and at no time on a Sunday or a bank or public holiday.

10. Prior to the first use of the development, the turning area shown in the approved Transport Statement (reference 34244 dated January 2025), shall be provided and thereafter be kept available at all times for the turning of vehicles.

11. Notwithstanding the details of parking shown in the approved Transport Statement, prior to the first use of the development, details of vehicle parking shall be submitted to and approved in writing by the Local Planning Authority. The approved vehicle parking area shall be provided and retained in this form at all times for the parking of vehicles only.

END OF CONDITIONS