



Appeal Decision

Site visit made on 21 February 2012

by J.P. Watson BSc MICE FCIHT MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 March 2012

Appeal Ref: APP/B1550/A/11/2165748

Pudsey Hall Farm, Pudsey Hall Lane, Canewdon, Rochford, Essex SS4 3RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Fewings against the decision of Rochford District Council.
 - The application Ref 11/00541/COU, dated 2 September 2011, was refused by notice dated 28 October 2011.
 - The development proposed is change of use of redundant farm buildings to B1, B2 and B8 use including open storage area for steel fabricating business.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of redundant farm buildings to B1, B2 and B8 use including open storage area for steel fabricating business at Pudsey Hall Farm, Pudsey Hall Lane, Canewdon, Rochford, Essex SS4 3RY in accordance with the terms of the application, Ref 11/00541/COU, dated 2 September 2011, subject to the conditions in the final paragraph of this appeal decision.

Preliminary

2. At the time of my visit I saw that some of the appeal uses at the site, including B2 metal fabrication, were implemented.

Main Issues

3. The main issues are:
 - a) The effect the appeal proposal would have on the openness of the Green Belt;
 - b) The effect the appeal proposal would have on the visual amenity of the surrounding area;
 - c) The traffic effects of the appeal proposal; and
 - d) Noise associated with the appeal proposal.

Reasons

Openness of the Green Belt

4. The site is in the Green Belt.

5. The appeal proposal makes no provision for the enlargement of any existing building, or the erection of any new building. Therefore, no building work is proposed that would affect the openness of the Green Belt.
6. The proposed open storage area would measure 17 metres x 10 metres. It is part of the concreted yard in which the appeal buildings are set. The authorised use of the site is for agriculture. In that use it would not be exceptional or unusual for agricultural and other vehicles and farm equipment to stand in the yard. The appeal proposal would give some of that standing space over to open storage. Providing the height of the stored material, or equipment used for its handling, was not excessive then the effect of the appeal proposal on the openness of the Green Belt need not be materially greater than is that of the authorised use of the site.
7. The Council is concerned that the proposed B2 use would require substantial mechanical handling equipment, to unload steel sections from delivery vehicles, and refers to a gantry crane some 6 metres high. The Appellant's intention is that the steel work at the site should include the manufacture of railings and gates, relatively small metal products and repairing farm machinery; and the Appellant points out that the submitted planning application did not seek permission for retention of the existing gantry crane, and suggests that the height of stored material could be limited by condition.
8. Subject to the provisos identified by the Appellant, I am satisfied that the appeal proposal would not have a materially greater impact than the authorised use on the openness of the Green Belt.
9. There is no contention that the appeal proposal would affect the fulfilment of the purposes of the Green Belt, and I see no reason to find otherwise. Therefore, I am satisfied that proviso v) of Policy R9 of the Rochford District Replacement Local Plan June 2006 ("the LP") would be met.

Visual Amenity

10. The appeal site is in a Special Landscape Area, to which LP Policy NR1 applies. This requires the location, size, siting, design, materials and landscaping of development to accord with the character of the area. Paragraph 3.15 of Planning Policy Guidance 2 Green Belts ("PPG2") says that the visual amenities of the Green Belt should not be injured by proposals for development in the Green Belt.
11. The site is in the countryside, in a gently undulating area of farmland interspersed with some hedges and stands of trees.
12. Only the open storage element of the appeal proposal would affect the external appearance of the site.
13. The appeal site is set on a slight crest and there is some sparse planting on the site perimeter. The yard that would include the open storage is set lower than the immediately adjacent ground to the north. The Appellant's Statement reports the yard to be 3-4 metres below the ground to the north, but it seemed to me when I visited that the difference was somewhat less. Nevertheless, perimeter planting, in suitable native species and of a density and height to provide an effective screen, together with a limit to the height of the open storage, would be sufficient to ensure that LP Policy NR1 was satisfied and to

protect the visual amenities of the Green Belt. Such a screen need not appear out of place in this part of the countryside.

Road Network

14. Pudsey Hall Lane is the sole means of vehicular access to the site. It is described as an unmade road. It gives access not only to the appeal site but also to some 28 dwellings. The Council's second reason for refusal draws attention to proviso vi) of LP Policy R9. In respect of that:
- a) The evidence is that the lawful agricultural use of the appeal site generated 15-20 lorry movements per week, and the appeal proposal would be unlikely to generate more traffic than that use. The evidence of an interested party, resident in the Lane near the appeal site, is that more traffic goes to the appeal site than to all other locations in Pudsey Hall Lane put together and that the amount of goods taken to the site is enough to supply a substantial engineering enterprise. But the point at issue is whether the appeal proposal would increase traffic compared to the lawful use of the site, and the only evidence relevant to that is as I have repeated. In the terms of Policy R9, the proposed use would not introduce additional activity or traffic movements.
 - b) The Council argues that the site-related traffic with the appeal proposal would adversely affect the character of the Green Belt because it would be associated with an activity that would adversely affect the character of the Green Belt. Attention is drawn to paragraph 51 of appeal decision APP/B1550/C/06/2006788, but that appeal related to a different use of the site – as a scrap yard – including the processing of scrap by a large-scale crusher. That seems to me a misleading comparison with the current proposal. The current proposal would be compliant with Green Belt policy in PPG2, subject to conditions, whereas the previous Inspector found no such compliance in the development that was before her. In the current appeal, it is likely that there would be no more traffic than with the lawful use of the site; and so there would be no material adverse effect on the character of the Green Belt due to site-related traffic.
 - c) Notwithstanding the final two sentences of the final reason for refusal, the Council's letter dated 20 February 2012 says there is no dispute that the access road is adequate. I have found that traffic would not be likely to increase. The local highway authority raises no objection. There is no reason for me to find either that the development would put unacceptable pressures on the surrounding rural road network, or that conditions for residents along Pudsey Hall Lane would be worsened.

Noise

15. The Council refers to no policy from the development plan in which noise is a consideration. I therefore consider this matter with regard to Planning Policy Guidance 24 *Planning and Noise* ("PPG24"). Paragraph 10 of PPG24 says that development should not cause an unacceptable degree of disturbance.
16. Because the appeal proposal would be unlikely to increase traffic generated at the site, it is unlikely that traffic-related noise would increase as a result.

17. The Council refers to the proposed B2 use at the site and, in particular, the proposed steel fabrication. Reassurance is necessary that no unacceptable degree of disturbance would arise at nearby dwellings as a result of the appeal development. This can be the subject of conditions.

Other Matters

18. The Grounds of Appeal take the position that the appeal proposal would not be inappropriate development in the Green Belt. That position is not disputed by the Council. It seems to me that the appeal proposal would not be inappropriate in the Green Belt because, with reference to paragraph 3.8 of PPG2:
- a) The proposal would not have a materially greater impact than the lawful use on the openness of the Green Belt and the purposes of including land in it;
 - b) No extension is proposed of the re-used buildings and the proposed external storage would not be extensive;
 - c) The buildings are of permanent and substantial construction, and are capable of conversion without major or complete reconstruction; and,
 - d) The form, bulk and general design of the buildings are in keeping with their surroundings.
19. I have considered all other matters raised but find nothing that alters my decision that the appeal should be allowed subject to conditions.

Conditions

20. The Council has suggested conditions, should the appeal be allowed. No time condition is needed, since the development has already started. Working hours at the site should be limited, to avoid disturbing residents at unreasonable hours, unless (having been satisfied by the implementation of other noise control measures as necessary) the Council approves otherwise. The height of materials (steel or otherwise) stored in the open should be limited to 3 metres, to maintain visual amenity. A landscaping scheme is needed, to maintain visual amenity. The approved drawings should be identified and the approved uses of each building described, to define the permission. I do not accept the suggestion that the permission should be personal to Mr Fewings, for the reason given in paragraph 93 of Circular 11/95 and because such a provision is not necessary.
21. The planning permission that I grant is therefore subject to the following conditions:
- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:500 scale plan received by the local planning authority on 5 September 2011; and the 1:2500 scale site location plan received by the local planning authority on 5 September 2011.
 - 2) The following uses are approved, with reference to the building numbers shown on the 1:500 scale plan received by the local planning authority on 5 September 2011:

Single-storey Building 1: B1 use.

Single-storey Building 2 and the single-storey building to its immediate west: B8 use.

Single-storey Building 3A: B1/B8 use.

Single-storey Building 3B: B2 use.

Single-storey Building 4: Mess/toilet.

No gantry crane is approved by this permission.

- 3) No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07:30 to 17:30, nor at any time on Sundays, Bank or Public Holidays unless otherwise approved in writing in advance by the local planning authority.
- 4) Unless within 6 months of the date of this decision a scheme (setting out an assessment of the noise effects of the development hereby approved at nearby dwellings, and any mitigation measures necessary to ensure that no unacceptable degree of disturbance results from the development at any dwelling) is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 4 months of the local planning authority's approval, the approved use of the site shall cease until such time as a scheme is approved and implemented; and if no scheme in accordance with this condition is approved within 12 months of the date of this Appeal Decision, the use of the site as hereby approved shall cease until such time as a scheme approved by the local planning authority is implemented. Once implemented, the scheme shall be retained as approved.
- 5) Unless within 6 months of the date of this decision a scheme for the provision of a effective landscaping screen to the northern and western boundaries of the site to conceal from external view materials or items stored in the open at the site, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 12 months of the local planning authority's approval, the approved use of the site shall cease until such time as a scheme is approved and implemented; and if no scheme in accordance with this condition is approved within 12 months of the date of this Appeal Decision, the use of the site as hereby approved shall cease until such time as a scheme approved by the local planning authority is implemented. Once implemented, the scheme shall be retained as approved.
- 6) Material or items stored in the open shall not be stacked or deposited to a height exceeding 3 metres.

J.P. Watson

INSPECTOR