



Appeal Decision

Site visit made on 25 January 2024

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31st January 2024

Appeal Ref: APP/J1535/W/23/3325096

Paslow Hall Farm, King Street, High Ongar, Ongar, Essex CM5 9NS

- 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 Greg Foremski against the decision of Epping Forest District Council.
 - The application Ref EPF/2313/22, dated 23 September 2022, was refused by notice dated 6 February 2023.
 - The development proposed is described as the construction of a new industrial unit for general industrial use (B1, B2 and B3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision notice refers to conflict with Policy NC1 of the Adopted Local Plan (1998) and Policies GB2A and GB7A of the Adopted Local Plan Alterations (2006). However, the Council has confirmed that these plans have been superseded by the adoption of the Epping Forest District Local Plan 2011-2033 ('the Local Plan') and so they have no bearing on my decision.
3. A revised version of the National Planning Policy Framework (NPPF) was published on 19 December 2023. There were no substantive changes of relevance to this appeal. Amended paragraph numbers are referenced below.

Main Issues

4. The main issues are:
 - (a) whether the proposal would be inappropriate development in the Green Belt having regard to the NPPF and any relevant development plan policies; and
 - (b) if the proposal would be inappropriate development, whether the harm by reason of its inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development in the Green Belt

5. The appeal site is located on an industrial estate at Paslow Hall Farm. There are several large workshop buildings across the estate used by a variety of businesses including car maintenance firms and event organisers. A large area

of hardstanding fills the spaces between the buildings and is used for car parking and the storage of materials. The site is currently part of this hardstanding. Immediately to the south of the site and the estate is a large and recently constructed agricultural shed located behind a tall timber fence. The open countryside surrounds the estate and farm.

6. The site and surrounding area are located within the Metropolitan Green Belt. NPPF paragraph 154 regards the construction of new buildings as inappropriate development in the Green Belt unless one of several exceptions apply. Paragraph 154(g) relates to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) provided one of two criteria are met. The second criterion is not relevant as the proposal does not relate to affordable housing. However, the first criterion requires the new building to not have a greater impact on the openness of the Green Belt than the existing development.
7. Local Plan Policy DM4 contains a similar exception in Part C (vi) with regard to previously developed land but says a new building should not have a greater impact on the openness of the Green Belt *and the purpose of including land within it* (my emphasis) than the existing development.
8. As NPPF paragraph 142 makes clear, openness is an essential characteristic of the Green Belt. Whether or not any change would result in harm to openness and thus a greater impact depends on factors such as the scale of the development, its locational context and its spatial and/or visual effects. NPPF paragraph 143 states that Green Belt serves five purposes. Due to the rural location of the site away from any settlement, the most relevant purpose in this case is safeguarding the countryside from encroachment. Whether any change would result in a greater impact on the purpose of including land within the Green Belt would depend on similar factors.
9. There is no dispute that the site constitutes previously developed land or that the proposal would represent limited infilling or partial redevelopment. The disagreement between the parties focuses on the effect on Green Belt openness rather than purposes. The existing development at the industrial estate and the farm already results in significant countryside encroachment and the proposal would be located within this development. Therefore, I consider that the proposal would not have a greater impact on the purposes of including land within the Green Belt.
10. The existing development has a significant effect on openness due to the size and spread of the various buildings. The proposal would be surrounded by built form on all sides including the agricultural shed to the south. In visual terms, the new building would be difficult to discern from the adjoining countryside due to the extent of screening that would be provided by existing structures.
11. In spatial terms, there is significant open space within the industrial estate due to the amount of hardstanding. The scale of new building would not be insubstantial at around 45m long, 15m wide and between 4 to 7m tall. It would represent around a 15% increase in the footprint of buildings at the estate. As a result, the proposal would reduce the open qualities within the estate and cause moderate harm to the openness of the Green Belt and a greater impact on openness than the existing development. Therefore, the proposal would be

inappropriate development in the Green Belt, contrary to NPPF paragraph 154 and Local Plan Policy DM4.

Other considerations

12. The site falls within a designated employment area in the Local Plan where the principle of intensification is accepted by the Council. NPPF paragraph 88 supports the sustainable growth and expansion of businesses in rural areas. The proposal would deliver new floorspace for a variety of potential industrial-related uses. The appellant contends that the proposal would improve the long-term viability of the existing businesses and refers to a strong business case for additional accommodation and demand from existing tenants wishing to expand. None of this is disputed by the Council and so I can afford this consideration significant weight.
13. Section 11 of the NPPF seeks to make effective use of land including previously developed sites and is a consideration that attracts significant weight in this case. Although NPPF paragraph 124(c) gives substantial weight to the value of using suitable brownfield land for homes and other identified needs, this relates to land within settlements which does not apply here. Moreover, it requires the land to be suitable which depends on compliance with other policies including those relating to Green Belt.
14. The appellant refers to landscape improvements adjacent to the Green Belt but little information has been provided and so I give this consideration limited weight. Car parking could also be rationalised although this would need to be secured via condition as the proposal is only for a new industrial unit. This carries moderate weight in favour of the proposal. The design of the new unit would preserve the character and appearance of the industrial estate and the setting of nearby listed buildings and so can be regarded as a neutral matter.

Planning balance

15. NPPF paragraph 152 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The proposed development would also result in moderate harm in terms of the openness of the Green Belt. NPPF paragraph 153 states that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, and any other harm, is clearly outweighed by other considerations.
16. Significant weight can be attached to some of the other considerations. However, individually and collectively, the other considerations do not clearly outweigh the harm to the Green Belt. Consequently, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not accord with Local Plan Policy DM4 or the aims of the NPPF which seek to protect the Green Belt.

Other Matters

17. The Council considers that new development within the district is likely to have a significant effect on the integrity of the Epping Forest Special Area of Conservation (SAC) either alone or in combination with other proposals due to the impact on air quality and/or recreational pressure. In this case, the proposed development could increase the number of vehicles using roads within 200m of the SAC. On that basis, it would be necessary to carry out an

appropriate assessment (AA) as part of my decision were I minded to allow the appeal. However, given my findings on the overall planning balance, there is no need to carry out an AA as there is no prospect of planning permission being granted. Therefore, it is not necessary to consider this matter any further.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR