The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2024

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2024

Appeal Ref: APP/J1535/W/24/3336503
Leabank Meadgate And Hilside Nurseries, Sedge Green, Roydon, Harlow, Essex CM19 5JS

- 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 Faranda against the decision of Epping Forest District Council.
- The application Ref is EPF/2072/22.
- The development proposed is change of use of the site from horticulture (Use Class Sui Generis) to a site for storage purposes (Use Class B8).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July the government began a consultation on proposed changes to the National Planning Policy Framework, including possible revisions relating to the Green Belt and glasshouses. I sought the views of the parties on these proposed changes and have determined this appeal accordingly.

Main Issues

3. The site is in the Green Belt, and the main issues are therefore:

- Whether the development proposed would constitute inappropriate development in the Green Belt, including any effect on openness, having regard to the National Planning Policy Framework and any relevant development plan policies,
- Whether the appeal site is a suitable location for the proposed development, having regard to local and national policies regarding sustainable transport,
- The effect on the character and appearance of the area
- Whether the appeal site is a suitable location for the proposed development, having regard to development plan policies that seek to promote compatible uses on Lea Valley glasshouse sites; and,
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

4. The appeal site lies within the Green Belt. The National Planning Policy Framework (the Framework) states that the essential characteristics of Green Belts are their openness and their permanence. The Framework identifies the five purposes of the Green Belt, which include assisting in safeguarding the countryside from encroachment. The Framework further states that inappropriate development is, by definition, harmful to the Green Belt.

5. Certain types of development are identified in the Framework as not inappropriate in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction, and provided they preserve Green Belt openness and do not conflict with the purposes of including land within it.

6. Policies DM4 and SP5 of the Epping Forest District Local Plan 2011-2033 (the Local Plan) are consistent with the Framework in their assessment of development within the Green Belt.

7. The glasshouse is a large structure which at the time of my visit was in use for growing crops. The Feasibility Report dated 1 September 2022 concludes that there would be no structural effect from the proposed replacement of the existing glass with cladding. The council has suggested that the glasshouse should not be considered as a permanent building. The works involved to convert it would be extensive. However, the building frame would be retained and the resulting building would be of generally the same size and footprint. I am therefore satisfied the glasshouse is of permanent and substantial construction.

8. The glass wall panels have been lined, reducing their transparency. Nevertheless, the glasshouse is a more visually lightweight structure than other buildings and structures within the site which are finished in solid materials. The replacement of the glass panels with cladding would therefore cause a moderate loss of visual openness to the Green Belt.

9. The development would result in a reduction in the built form of the building, but an increase in the hardstanding associated with it. Given the existing extent of hardstanding within the site I consider that the resulting effect on the spatial openness of the Green Belt would be essentially neutral.

10. The proposed building would be one of several solid structures within the site, and within the wider area. It would not be larger than the existing building in terms of its height or footprint. I address the effect on the character and appearance of the area below. However, given the mixed commercial uses in the local area the proposal would not represent harmful encroachment in the countryside.

11. Overall, therefore, the proposal would result in harm to the visual openness of the Green Belt, so would be inappropriate development.

Location

12. The appeal site is part of an expanse of horticultural and commercial operations in this rural location outside of any recognised settlement. Policy T1 of the

Local Plan states, amongst other criteria, that development should minimise the need to travel and improve accessibility to services.

13. Given storage uses typically involve the transportation of large individual items or large volumes of smaller items it is likely that most trips associated with the use will be by private vehicles. The Transport Statement dated May 2023 projects 68 additional two-way movements at the site per day across a 12 hour window.

14. While my site visit only represents a snapshot of time it was conducted mid-morning on a weekday outside of peak traffic levels. I saw that the flow of traffic on Sedge Green was such that the typical additional traffic generated by the proposed use would only be likely to result in a modest increase in the vicinity of the site. These additional trips would, nevertheless, be likely to come from surrounding settlements within which such a use would be more accessible to potential customers.

15. The appellant has drawn my attention to 4 permissions granted for commercial and industrial uses in the local area. However, each of those permissions was granted before the adoption of the current Local Plan. It is unclear whether the council determined those applications against policies like those which form part of the current development plan. Accordingly, I can only attach limited weight to these earlier approvals, and this does not outweigh the harm I have identified arising from the location of the appeal site.

16. The appeal site is not therefore in a suitable location for the proposed development. The proposed development would therefore conflict with the identified aim of Policy T1 of the Local Plan, as well as the aim of the Framework to promote sustainable transport.

Character and appearance

17. The surrounding area is typified by large glasshouses, the scale and extent of which is such that they are the predominant feature of the area, with supporting development and some houses also present. The glasshouses due to their height and footprint are widely visible in the area, with this glasshouse visible from the street.

18. The appeal proposal would alter the external appearance of the building. All the glass panels would be replaced with cladding. The wider site comprises several buildings and structures finished in solid external materials. The relationship between these buildings and neighbouring glasshouses both on the wider site and on neighbouring sites is such that only part of the building is in open view.

19. Nevertheless, the conversion of this glasshouse would diminish their overall presence within the area. Policy DM9 of the Local Plan requires, amongst other criteria, that new development contribute to the distinctive character and amenity of the local area. The appeal proposal would conflict with this aim.

20. There would be an increase in hardstanding at the site, but there is already a large expanse of such within the site, including at the front of the glasshouse. A suitably worded condition could limit the extent and effect of hardstanding.

21. There would be increased activity at the site. However, 12 of the storage units would be accessed from areas of the site concealed from general view. Given this and as movements would likely be spread across the course of the day, the

increase in activity is unlikely to be so significant that it would routinely effect the character of the area.

22. The appellant has suggested that suitable landscaping could be secured by an appropriately worded condition to mitigate the effects of the development. However, even if adequate landscaping could be provided to screen the development this would not offset the loss of the glasshouse and its effect on the predominant local character.

23. The appeal proposal would therefore be harmful to the character and appearance of the area. Consequently, it would conflict with the identified aims of Policy DM9 of the Local Plan.

Lea Valley glasshouses

24. Policy E3 of the Local Plan states, amongst other things, that new or replacement glasshouses will be permitted subject to specific criteria. The council further notes that the Local Plan seeks to support the diversification of the agricultural economy, including the expansion of the glasshouse industry. However, policy E3 does not prohibit the loss of an existing glasshouse.

25. The benefits of food production are acknowledged. However, I see little prospect of the appellant operating their horticultural business at a significant loss. The council contend that the proposal should not be considered as enabling development to support the horticultural business. I agree, as there is no mechanism to secure this before me. However, the proposal does not conflict with any of the stated aims of policy E3, and no conflict has been identified in relation to this issue with the intention of supporting a prosperous rural economy or any other aim identified in the Framework.

Other Matters

26. The Epping Forest Special Area for Conservation (the SAC) is an internationally important site containing vulnerable or rare species, including beech trees, wet and dry heaths and stag beetles. Had I otherwise been minded to allow the appeal it would have been necessary that, as the competent authority, I carry out an Appropriate Assessment in relation to the effect of the development on the SAC. As I am dismissing the appeal on other grounds, however, I do not need to consider the matter further.

Other considerations

27. The appeal proposal would be inappropriate development within the Green Belt due to the moderate loss of openness. The Framework requires that substantial weight is given to any harm to the Green Belt. It would also be harmful to the character and appearance of the area and the site is in a location that would not promote sustainable transport measures. These add further moderate weight against the proposed development.

28. The appellant has identified considerations that they contend weigh in favour of the appeal proposal. The proposal represents a diversification of the business on site and would provide permanent employment as opposed to the seasonal employment provided by the existing horticultural business.

29. The government has proposed changes to the Framework including potentially treating glasshouse sites as previously developed land and introducing the

concept of grey belt land. As these proposals are only at consultation stage, I am only able to give very limited weight to them at this point.

30. As noted above, I am unable to give weight to the possibility of the development supporting the appellant's existing horticultural business. There is no mechanism to secure its ongoing operation only alongside that business, or only for the benefit of the appellant. It cannot therefore be guaranteed that the storage use would support the existing business.

31. Consequently, the identified considerations attract moderate weight in the overall balance. This would not outweigh the harm by reason of inappropriateness and the other identified harm. Very special circumstances do not therefore exist in this case. The proposed development therefore conflicts with the identified Green Belt protection aims of policies SP4 and SP5 and of the Framework.

Conclusion

32. 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. Therefore, the appeal is dismissed.

M Chalk

INSPECTOR