



Appeal Decision

Site visit made on 1 October 2024

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/J1535/W/23/3334920

Presdale Farm Nurseries, Hoe Lane, Nazeing, Waltham Abbey EN9 2RJ

- 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 DPA (London) Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/1437/23.
 - The development proposed is change of use of part of the nursery site (Use Class Sui Generis) to a site for storage and distribution (Use Class B8) comprising 14 units including the partial demolition of the glasshouses.
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Decision

1. The appeal is dismissed.

Main Issues

2. As the appeal site is within the Green Belt, the main issues are:
 - Whether the proposal is inappropriate development in the Green Belt including the effect on openness and purposes of Green Belt;
 - Whether the proposal is acceptable having regard to development plan policies relating to employment sites; and
 - If the proposal is inappropriate development, whether harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

3. The appeal site is part of a larger horticultural enterprise located in the Lea Valley glasshouse industry area, and Green Belt.
4. The proposal relates to a glasshouse in the northern part of the site. In 2019 the Council granted planning permission for the change of use of half of this glasshouse to 14 storage and distribution units. At the time of my site visit, the majority of these units seemed to be occupied by independent businesses, including for storage and distribution, food preparation, and workshops.
5. The appeal scheme is effectively a continuation of the adjacent business unit development. The works similarly involve demolition of the central part of the glasshouse to accommodate the access and parking area between the two rows of units; and replacement of the remaining glass panels with solid cladding.

Whether inappropriate development

6. The Government attaches great importance to Green Belts. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It outlines that the construction of new buildings and certain other forms of development, other than in connection with a small number of exceptions, should be regarded as inappropriate in the Green Belt.
7. The exception in paragraph 155 d) of the Framework refers to the re-use of buildings of permanent and substantial construction, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy DM4 D(iv) of the Epping Forest District Local Plan (2023) (the LP) reflects the Framework in this regard.
8. The glasshouse is a relatively large structure supported by an array of steel posts, beams, and bracing. The lower section of the external walls is made of concrete. Given its size and construction, I am satisfied that it can be regarded as being of permanent and substantial construction for the purposes of Green Belt policy.
9. The Council has questioned the extent of the works involved. Based on my inspection of the internal construction of the adjacent units, there may be some justification for those concerns. However, the proposal before me is to retain the existing steel frames apart from the central section. An up-to-date Feasibility Report has been provided which concludes that this would be possible. The Council has not produced any substantive evidence to the contrary. If the development were to be carried out in a different manner, then the Council has other enforcement powers to deal with such matters.
10. Given the above, it is necessary to assess the impact of the proposal on the openness and purposes of the Green Belt. The Planning Practice Guidance explains that relevant considerations in relation to openness can include spatial and visual impacts, as well as the degree of activity likely to be generated by the development.
11. During my site visit, it was evident that the existing glasshouse is a visually more lightweight structure compared to the adjacent units which are clad in solid materials. The replacement of the glass panels with solid cladding would give the building a heightened visual presence, causing a loss of openness in visual terms. The colour of the cladding would make little difference in this regard.
12. There would be a reduction in the volume of the building, thereby improving openness in the spatial sense. However, the visual benefit of this would be very limited as the area of land opened up would be in between two parts of the retained building and covered in hard standing. Moreover, the proposal would intensify the use of the site through increased comings and goings, parking on site, and the general day-to-day activities of multiple unrelated businesses.
13. Consequently, even with a reduction in building volume, the proposal would fail to preserve openness in other ways which would be harmful to the Green Belt. Furthermore, the site is not in a state of dereliction, and there is little evidence to demonstrate that the development could not be provided in urban areas to

assist with regeneration objectives. As such, there is also conflict with one of the five purposes of Green Belt.

14. I therefore find that the proposal does not meet the exception under paragraph 155 d) of the Framework and LP Policy DM4 D(iv). Accordingly, it represents inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt.

Employment sites

15. Policy E1 of the LP is a general employment policy which sets out various criteria aimed at protecting existing employment sites and is supportive of proposals for redevelopment, provided they are for employment uses or do not materially change the site's employment character and function.
16. The appeal site is a mixed-use employment site. As the proposal is for an employment use which already exists at the site, it complies with the objectives of Policy E1.
17. The Council also refers to Policy E3 of the LP. However, this policy concerns new or replacement glasshouses and other ancillary facilities. There is nothing in the policy which prohibits the loss of an existing glasshouse, and so, no conflict arises with this policy.
18. The Council is concerned about setting a precedent leading to further incremental loss of glasshouses in the area. However, the proposal does not conflict with any of the stated aims of LP Policies E1 and E3. Nor does it conflict with the Framework's intention of supporting a prosperous rural economy. As such, there is no justification for withholding permission on this basis.

Other Considerations

19. The proposal represents further diversification of the appellant's business at a time when the glasshouses industry is evidently struggling as a result of labour shortages, rising fuel costs, and lower prices being paid for the produce. It would also likely provide some employment opportunities, although there are no specific details at this stage. These are factors encouraged by the Framework and weigh moderately in favour of the scheme.
20. It has been suggested that the proposal will help support the continuation of horticultural operations in the rest the site. However, without any mechanism to secure this it cannot be guaranteed. Consequently, I give little weight to this matter.
21. The claim that the proposal would contribute towards meeting considerable unmet local need for B8 units has not been supported with any substantive evidence. Nor has it been demonstrated that the proposal could not be located outside the Green Belt. Consequently, I give little weight to this matter.

Other Matters

22. The Epping Forest Special Area for Conservation (the SAC) is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The Council indicates there is potential for adverse impacts on the SAC from air pollution generated by vehicle trips associated with the development. A Transport Briefing Note dated November 2023 indicates that trip generation would be higher for the

proposed use than the existing use. As such, there is potential for a significant impact on the SAC, both alone and in combination with other developments.

23. Policy DM2 of the LP states that where development would likely have significant effects on the SAC, mitigation measures will be required having regard to the Council's strategic mitigation strategies, which may include contributions towards off-site measures. The appellant confirms that they would be willing to provide a financial contribution in the event that it was deemed necessary to mitigate the impact on the SAC. However, this is not a matter which can be left to a later stage.
24. Nonetheless, the requirement for an appropriate assessment to be carried out is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this matter in any further detail.

Green Belt Balance

25. The proposal would amount to inappropriate development in the Green Belt and openness would not be preserved. There would also be conflict with one of the purposes of the Green Belt. In accordance with the Framework, I afford the totality of the harm to the Green Belt substantial adverse weight in decision making terms. The Framework makes clear that very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
26. Whilst I have had regard to the other considerations in favour of the scheme, I conclude that these other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the proposal do not exist.
27. As such, the proposal would conflict with Policy DM4 of the LP and the Framework in respect of protecting the Green Belt.

Conclusion

28. Given the above, the proposal conflicts with the development plan taken as a whole. There are no material considerations that outweigh the identified harm and conflict with the development plan. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR