



---

## Appeal Decision

Site visit made on 21 January 2025

by **A Wright BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31<sup>st</sup> January 2025

---

**Appeal Ref: APP/J1535/W/24/3346957**

**Land south of Spains Hall Road, Ongar CM5 0QE**

- 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 F J Bosworth & Sons against the decision of Epping Forest District Council.
  - The application Ref is EPF/2347/23.
  - The development proposed is the erection of a butchery.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application form refers to the application being made in the name of J F Bosworth & Sons. The appellant's name on the appeal form is F J Bosworth & Sons. I have subsequently received confirmation that there was a typo on the application form. The banner above reflects the correct name.
3. The appellant suggests that the use would be an ancillary agricultural activity and that an agricultural building of up to 1,500sqm could be installed on the site under permitted development rights, subject to limitations and conditions<sup>1</sup>. If that were the case, the proposal would not need planning permission. Within the context of an appeal under section 78 of the Act<sup>2</sup>, it is not within my remit to formally determine whether the proposed development requires planning permission. If the appellant wishes to ascertain whether the development would be lawful, they may make an application under section 192 of the Act. As an application has been made, I have determined the proposal on its merits.
4. The National Planning Policy Framework (the Framework) was revised in December 2024. As this could affect the issues and matters in this case, the Council and the appellant were invited to make further comments. My decision reflects the latest version of the Framework, and the responses received on it.

### Main Issues

5. The main issues in this appeal are:
  - whether the proposal would be inappropriate development in the Green Belt;
  - the effect of the proposal on the openness of the Green Belt; and

---

<sup>1</sup> Under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

<sup>2</sup> The Town and Country Planning Act 1990 (as amended)

- whether any harm by reason of 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 the proposal would be inappropriate development***

6. The appeal site lies within the Green Belt identified under Policy DM4 of the Epping Forest District Local Plan 2023 (LP). This states that planning permission will not be granted for inappropriate development in the Green Belt, except in very special circumstances, in accordance with national planning policy. It identifies various forms of development which are not inappropriate development in the Green Belt, including the construction of new buildings for agriculture and forestry which aligns with the exception in paragraph 154(a) of the Framework. There are also other circumstances in which developments are not inappropriate in the Green Belt, set out in paragraph 155 of the Framework.
7. The appellant variously refers to the proposed use as a light industrial process under Use Class E(g)(iii)<sup>3</sup>, an ancillary agricultural activity, and a sui generis use which falls outside a use class and could be controlled by the imposition of appropriate planning conditions. One of the main activities on the associated farm is the rearing of pigs for food which are then taken to nearby abattoirs and then onto various outlets including butchers' shops, restaurants, and catering companies.
8. The proposal is to return some pigs from the abattoir to be butchered and processed into ready to sell products in the proposed building. Whilst it would be linked to the breeding and keeping of pigs on the farm, the use of the proposed building would not be for agriculture and as such it would not meet the exception in LP Policy DM4 or paragraph 154(a) of the Framework.
9. The site does not relate to areas or assets listed in footnote 7 of the Framework (other than Green Belt). It is in a rural location on an operational farm, physically and functionally detached from any large built-up area, over 6km from Chelmsford and around 5km from Ongar.
10. There is no substantive evidence that the site strongly contributes to the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another or preserving the setting and special character of historic towns. As such, it could be grey belt where the Framework outlines a more permissive approach towards commercial and other development. However, no case is made that the appeal scheme would meet the criteria and constitute an exception under paragraph 155 of the Framework.
11. Therefore, I find that the appeal proposal would be inappropriate development which, by definition, would harm the Green Belt.

### ***Effect of the proposal on openness***

12. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the

---

<sup>3</sup> Under The Town and Country Planning (Use Classes) Order 1987 (as amended)

counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.

13. The site lies adjacent to Spains Hall Road, comprising open land and part of a hard surfaced access track. There is a large field directly west of the site. Public footpaths run along the track and eastwards opposite the site. Access is via a wide entrance onto the road which has a hedge on one side and trees on the other.
14. The proposal is for a new modular structure between the track and the cultivated land. Its location would avoid any potential impacts on the grade II listed Spains Hall and minimise the risk of contamination and disease transmission on the wider farm, adhering to biosecurity protocols and regulatory requirements. However, the introduction of a permanent building would inevitably lead to a loss of spatial openness. The scheme would be visible from the road and nearby public rights of way. Therefore, the development would also harm visual openness.
15. The effect on openness is not only related to the size of the building but also its purpose and the intensity of its use. The introduction of a butchery on the site would generate vehicle trips, including by customers, staff and deliveries. It is indicated that three parking spaces would be provided. The access and hardstanding would be used for the turning, manoeuvring, and parking of vehicles. Such features and activities would reduce spatial and visual openness compared to the existing use of the site.

### ***Other considerations***

16. The proposed butchery would contribute to the diversification of the wider farm operations, eligible for grant funding and generating additional income. There will be significant changes to agriculture over the next decade, mainly due to the removal of direct farm support payments, and the proposal would help to maintain the resilience of a long-standing family farming business in an increasingly volatile economic climate. It would also create job opportunities and support the local economy. Therefore, the scheme would align with national and local planning policies relating to the rural economy and farm diversification, and I afford significant weight to its economic benefits.

### **Other Matters**

17. The proposed development would be likely to have a significant effect, either alone or in combination, on the Epping Forest Special Area of Conservation (SAC). This is due to the potential for more atmospheric pollution as a result of increased traffic using roads through the SAC. The appellant is willing to accept a condition requiring the provision of an electric vehicle charging point and has submitted a unilateral undertaking which includes contributions towards mitigating any significant effects on the SAC. However, given my conclusion below, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.
18. The Council did not find harm or development plan conflict in relation to several other matters, including character and appearance, living conditions, highways and parking, flood risk and drainage, and impacts on heritage assets, landscape and trees. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

***Whether there would be Very Special Circumstances***

19. The Framework indicates that inappropriate development in the Green Belt should not be approved except in very special circumstances. There would also be adverse impacts on openness. Substantial weight should be given to the harm caused to the Green Belt, and very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
20. I accord significant weight to the economic benefits of the proposed scheme. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Thus, the very special circumstances necessary to justify the proposed development do not exist. As such, it would be contrary to Policy DM4 of the LP and the Framework.

**Conclusion**

21. For the above reasons, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

*A Wright*

INSPECTOR