



Appeal Decisions

Site visit made on 19 March 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal A Ref: APP/J1535/C/23/3315595

Land at the Scrapyard, Woodside, Thornwood, Epping, CM16 6LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr T Bennet of Total Waste Management Ltd against an enforcement notice issued by Epping Forest District Council.
- The notice was issued on 18 January 2023.
- The breach of planning control as alleged in the notice is, without planning permission, the erection of fencing over 2m in height on the South and West boundaries.
- The requirements of the notice are to:
 1. Remove the fencing from the South and West boundaries shown in the approximate position on the attached plan as hatched.
 2. Remove all resulting debris from the land in compliance with Step 1.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the ground set out in section 174(2)(f) of the Town and Country Planning Act 1990 (as amended).

Appeal B Ref: APP/J1535/W/22/3307504

Scrapyard, Woodside, Thornwood, Epping, Essex CM16 6LF

- 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 J Robinson of Total Waste Management Ltd against the decision of Epping Forest District Council.
- The application Ref is EPF/0346/22.
- The development proposed is the installation of a 4m steel post and sleeper insert boundary fence to the south/west boundary.

Decision

1. Appeal A – The appeal is dismissed and the enforcement notice is upheld.
2. Appeal B – The appeal is dismissed.

Preliminary Matters

3. Whilst the appeals relate to an enforcement notice and a separate refusal of planning permission, they both concern the same site and a similar form of development. Therefore, to minimise duplication and repetition, I have dealt with both appeals in one decision letter.
4. In relation to Appeal B, during my visit I observed that a boundary fence comprising steel posts and sleeper inserts has been erected at the appeal site. For the avoidance of doubt, I have considered the appeal on the basis of the plans submitted with the planning application¹.

¹ Location & Site Plan, Drawing No. PL-01 Rev 0

5. The Local Planning Authority (LPA) adopted the Epping Forest District Local Plan 2011-2033 (the Local Plan) on 6 March 2023, and this post-dates its refusal notice. This now forms the statutory development plan for the district. In relation to the appeal, the LPA has drawn my attention to Local Plan Policies DM3 (Landscape Character), DM4 (Green Belt), and DM9 (High Quality Design). During the course of the appeal, the appellant had the opportunity to comment on the implications of this for the appeal proposal.

Appeal A: Ref: APP/J1535/C/23/3315595

The appeal on ground (f)

6. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve its purpose. The purposes of an enforcement notice are set out in Section 173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the removal of the fencing and any associated debris, the purpose is clearly to remedy the breach of planning control that has occurred.
7. The appellant has provided no statement to support their s174 appeal. On the appeal form they state that *“the enforcement notice was incorrectly issued when there is an appeal plus and planning application yet to be concluded”* [sic]. No further explanation or argument is provided for the appeal.
8. Therefore, the appellant has not put forward or suggested any lesser steps that would remedy the breach of planning control.
9. Consequently, the ground (f) appeal must fail.

Appeal B: APP/J1535/W/22/3307504

Main Issues

10. The main issues are:
 - i. Whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies;
 - ii. The effect of the proposal on the openness of the Green Belt;
 - iii. The effect of the proposal on the character and appearance of the area; and,
 - iv. Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Whether inappropriate development

11. The appeal relates to a working scrap yard and vehicle recycling facility, where planning permission was sought for the erection of a boundary fence rising to a height of 4 metres. For planning purposes, the site lies within the Green Belt.
12. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework goes on to

advise that the construction of new buildings is inappropriate development in the Green Belt, subject to various exceptions.

13. Local Plan Policy DM4 broadly echoes national Green Belt policy, as set out in the Framework. It reiterates that new buildings are inappropriate development in the Green Belt.
14. The term 'building' is defined as any structure or erection, and any part of a building, as so defined². In applying this definition, fences, walls and other structures erected as a means of enclosure are buildings for the purposes of the Framework and Local Plan Policy DM4.
15. The proposed development would not fall within any of the exceptions set out in the Framework, or Policy DM4. Consequently, it would be inappropriate development in the Green Belt and so it would conflict with both Local Plan Policy DM4 and the associated policies of the framework.

The effect on openness

16. The assessment of impact on openness is about considering the presence of the development in the context of national policy which seeks to keep Green Belt land permanently open, thus avoiding urban sprawl. Openness is an essential characteristic of the Green Belt that has both spatial and visual aspects to consider.
17. The appeal site is highly visible from both the adjacent public highway to the north and from public footpaths in the open landscape to the south and west. Despite its location on the edge of a built-up residential area, the openness of the Green Belt is clearly evident around the site and the wider area.
18. The proposed boundary fence would be substantial in both its bulk and massing. It would extend around the south, west and part of the northern perimeter of the site, replacing an earlier profile metal sheet fence. It would have a strong visual and spatial presence, forming a very obvious solid barrier that would enclose the site. It would therefore diminish the openness of this part of the Green Belt.
19. As a result, I find that the impact on the openness of the Green Belt would be moderate given the overall scale of what is proposed and its surrounding context.

Character and appearance

20. The appeal site comprises a number of commercial buildings and an area of open yard that is primarily used for the storage and breaking up/re-cycling of scrap metal and vehicles. Despite the site's commercial use and appearance, the surrounding landscape is predominantly rural in character with a large area of public open space to the south and west of the site, which appears to be well used by local residents and visitors for recreational walking. The site is therefore located at a point of transition between the built environment and the surrounding open countryside.
21. The proposal would introduce a large boundary fence rising to a height of 4 meters and comprising vertical steel posts and wooden sleeper inserts. Owing to its height and design, it would appear as a solid wall. It would extend from the frontage of the site along the entirety of the western and southern perimeter. As a result, the proposal would amount to a visually prominent and oppressive feature that would

² S336(1) of The Town and Country Planning Act 1990

dominate its immediate surroundings, and thereby harmfully eroding the semi-rural character of the area.

22. Consequently, I find that the proposed development would have a significant harmful effect on the character and appearance of the surrounding area. It is therefore contrary to Policy DM3 and DM9 of the Local Plan and the associated policies of the Framework, which together seek to ensure that proposals are sensitive to their landscape setting and achieve a high quality design that contributes to the character of the local area.

Other considerations

23. As set out above, the development constitutes inappropriate development in the Green Belt. I have found it to result in a moderate loss of openness to the Green Belt and significantly harmful to the character and appearance of the area. Substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt is clearly outweighed by other considerations.
24. The site has been issued with a licence³ that allows for the stacking of vehicles to a height no greater than 4 metres, other than within a supported frame structure. This condition relates to a separate regulatory regime and appears to be primarily concerned with matters of health and safety, rather than planning considerations. Nevertheless, in these circumstances, I accept that the proposal would screen some of the industrial process and restrict views of scrap materials within the site. Therefore, this carries moderate weight in favour of the proposal.
25. I appreciate the need to provide a robust perimeter boundary feature that will secure the site and protect against intruders and theft. However, it has not been demonstrated that the proposal is the only means to achieve this. Therefore, in the absence of evidence to the contrary, it is possible that a less harmful boundary feature could be sufficient in securing the site. Thus, I give this little weight.
26. I note that North Weald Bassett Parish Council has confirmed that it no longer objects to the proposal, but this does not alter my findings.

Conclusion

27. In summary, the proposal would be inappropriate development in the terms set out by the Framework and would result in a harmful loss of openness to the Green Belt. I have also found harm to the character and appearance of the area.
28. The other considerations in this case do not clearly outweigh the substantial weight which must be given to Green Belt harm, or the other harm identified. Therefore, the very special circumstances necessary to justify the development do not exist. The development is contrary to the policies of the development plan and the Framework as a whole. Consequently, the appeal is dismissed.

J M Tweddle

INSPECTOR

³ Licence No. 312/94, dated 5 August 1994, pursuant to the provisions of the Control of Pollution Act 1974