



Appeal Decision

Site visit made on 29 July 2025

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th August 2025

Appeal Ref: APP/J1535/W/25/3359105

Cock and Magpie Public House, Epping Road, Epping Upland, Epping, Essex CM16 6PU

- 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 M Valente (FTPCT LTD) against the decision of Epping Forest District Council.
 - The application Ref is EPF/2304/24.
 - The development proposed is described as the “location of 2 storage units and an office unit approximately 3.5m x 7m portacabins”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the decision notice refers to the location of two temporary storage units and a temporary office unit in addition to the temporary change of use of the site for car wash and car sales for a period of 11 months. Whilst this is not included on the application form, the appellant’s evidence confirms that temporary consent is sought for a period of 11 months for a car wash and car sales business. I have proceeded to determine the appeal on this basis and am satisfied that the cases of the main parties would not be prejudiced by this.
3. I observed during my site visit that portacabins and storage containers were present on the land, which had been partially surfaced with artificial grass and contained paraphernalia and signage associated with a car wash. Part of what appeared to be a screen wall was also positioned broadly centrally within the site. The positioning of the portacabins did not appear to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on the plans submitted with the application.
4. The Council’s first reason for refusal refers to insufficient information relating to the installation of floodlighting and the potential effect of this on the living conditions of occupiers of nearby properties. The second reason for refusal relates to the potential effect of floodlighting on the Epping Long Green West Local Wildlife Site, adjacent to the appeal site. Whilst I observed during my site visit that lighting had been installed, it does not feature on the proposed plans and the appellant has confirmed that they do not intend to seek permission for floodlighting as part of the proposal. The Council’s statement of case acknowledges that floodlighting is not included as part of the appeal proposal and on this basis, it has withdrawn its second reason for refusal. I shall therefore consider it no further.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of occupants of nearby residential dwellings, with particular regard to noise and disturbance.

Reasons

Living conditions

6. The appeal site is a parcel of land on the western side of Epping Road. Residential properties lie to the south-east, south and west of the site. The evidence indicates that the site was formerly in use as a public house, which was demolished over 8 months ago, and the site has since been cleared.
7. The evidence indicates that a car wash has been operating at the site. However, at the time of my site visit no activity was taking place on the appeal site and I observed relatively low ambient noise levels. Whilst I accept that my site visit provides only a snapshot of the conditions within the area, there is nothing in the evidence before me to suggest that what I saw and heard was atypical without the car wash in operation.
8. The appeal scheme proposes to use the northern portion of the site as a hand car wash and the southern portion for car sales. The appellant states that the car wash facility would be at least 30m from the boundary with The Magpies, a residential street which lies to the south-west of the appeal site. Portacabins are proposed either side of the site to serve the respective uses. The appellant has also proposed a condition limiting the hours of operation to 9am to 5pm Monday to Friday and 9:30am or 10am to 5pm Saturday and Sunday.
9. The proposed use has the potential to create noise through both the car wash and car sales uses. I have not been supplied with any technical information relating to the types of machinery that would be used on the site for the hand car wash. However, the appellant's evidence refers to the use of a jet wash that is used intermittently between the hand washing of cars and the Council refers to the use of vacuum cleaners, which the appellant has not disputed. The appellant states that the jet wash compressor would be housed within the portacabins sited approximately 50m away from The Magpies and operated with the doors shut to prevent noise.
10. However, the compressor would not be the only element of the car wash and car sales operation that would have the potential to produce noise. Noise could be produced by vacuum cleaners, pressurised water spray, vehicles entering, exiting and idling within the site, car doors opening and shutting and from customers and staff. Despite other background noise, there is no doubt that noise generated by use of the site for car washing and car sales would be distinctly noticeable from several nearby residential properties and their garden areas, giving rise to disturbance. This is particularly given the close proximity of the site to those properties and the proposed hours of operation which would last for much of the day, seven days a week.
11. Irrespective of whether the site might be identified as an employment site in the Development Plan or not, in the absence of any technical evidence it has not been demonstrated that the levels of noise that would be generated by the appeal scheme, would not have a materially harmful effect on the quality of life of neighbouring occupants. Whilst it is proposed to house the jet wash compressor within one of the portacabins to reduce noise, I have again been provided with no information about the

potential noise abatement properties of the portacabin and a condition requiring that it is only operated when the portacabin door is shut would not be enforceable. Though the appellant also suggests that operating hours could be controlled by condition, it has not been demonstrated that noise generated within those hours would be at an acceptable level.

12. I acknowledge that the site formerly contained a public house, with an associated pub garden and car parking area. It therefore would have generated a level of noise from activities such as patrons using the site, entering and exiting vehicles and commercial kitchen extraction. It is also likely to have had different operating hours to the appeal scheme. However, I have no technical evidence before me which quantifies the noise that was generated from the former use and compares this to the potential noise that could be generated from the proposed car wash and car sales business. Moreover, I note that the public house has not been in existence for at least the last 8 months, during which the site has been vacant. Therefore, this does not accurately reflect the current baseline noise environment against which the proposed use should be assessed in any event.
13. The appellant suggests that a condition could be imposed requiring provision of a close boarded fence along the boundary of The Magpies to attenuate any noise. However, in the absence of evidence, there is no certainty that any potential harmful noise effects could be appropriately mitigated in this way.
14. The appellant also seeks temporary planning permission permitting the use for a period of 11 months. However, this would not preclude the neighbouring occupiers from being subjected to potentially unacceptable levels of noise and disturbance during this temporary period of operation and this does not therefore represent an appropriate solution.
15. For the above reasons, I therefore conclude that the appellant has failed to demonstrate that the development would not have an unacceptably harmful effect on the living conditions of nearby occupiers, with particular regard to noise and disturbance. This conflicts with Policies DM9 and DM21 of the Epping Forest District Local Plan 2011-2033 (the LP) which together, amongst other things, seek to ensure that developments do not result in unacceptable impacts on the health, wellbeing and amenity of existing occupiers through impacts on the local environment and address issues such as noise to ensure the amenity of neighbours is protected.

Other matters and considerations

16. The appellant criticises the Council's handling of the application and comments that a noise assessment should've been requested during the determination of the application. However, there is nothing in the evidence to suggest that the absence of a noise assessment should have been a reason for the Council to invalidate the application. In any event, this appeal follows the Council's formal decision, and I have assessed the appeal on the evidence that is before me.
17. The development would result in economic benefits associated with the creation of 4 to 5 jobs. However, this would only be for a temporary period of 11 months and would not outweigh the harm I have identified in respect of living conditions. The appellant also states that the intention is to put the site to use before the site is developed for housing, to deter unauthorised encampments. However, it seems likely that a less harmful way of securing the site to provide the same benefit could be found. Moreover, whilst the Council does not raise any objections to the proposal in

terms of the principle of development, effects on highway safety, drainage and matters relating to design of the portacabins and fencing, compliance with the development plan in these respects is a neutral factor.

18. The application was partly refused on the basis that the appellant failed to provide sufficient information to satisfy the Council that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation. Had I found the appeal scheme to be acceptable in all other regards it would have been necessary for me to examine this matter in further detail. However, as I am dismissing the appeal for other reasons, no further consideration is required.

Conclusion

19. For the reasons set out above the effects of the development would be unacceptable, giving rise to conflict with the development plan taken as a whole. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR