



Appeal Decision

Site visit made on 11 August 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/N1540/W/25/3364880

Vacant land at Stort Mill, River Way, Harlow, Essex CM20 2SN

- 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 Fatih Yildirim against the decision of Harlow District Council.
 - The application Ref is HW/FUL/25/00044.
 - The development proposed is the erection of a warehouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of warehouse at vacant land at Stort Mill, River Way, Harlow, Essex CM20 2SN in accordance with the terms of the application, Ref HW/FUL/25/00044, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the whether the development provides for adequate, safe and convenient loading and servicing arrangements for units 28 and 29.

Reasons

3. The appeal site is an irregular shaped parcel of vacant land at Stort Mill, located between two existing warehouses. One of these warehouses is located to the west of the appeal site where there are two units (Nos 28 and 29). These have large roller shutter doors which face a service road located between these units and the appeal site. The service road provides access around the perimeter of the warehouse.
4. The proposed scheme would introduce a warehouse and two parking spaces. One of the elevations of the warehouse would directly abut the service road, leaving a 6.45 metre gap between the proposed warehouse and units 28 and 29. Concern has been raised that this would be too narrow to allow for HGV and commercial vehicles to turn and enter units 28 and 29 via the roller shutter doors, thus restricting the ability to access the site for loading/unloading and servicing purposes.
5. From my site visit I observed that the appeal site is currently used for carparking, although only a snapshot in time, it nonetheless aligns with the appellants view of how the land is currently used. Moreover, the information before me indicates that the appellant is the sole owner of the appeal site, and that the owners of the warehouse to the west are not able to use the appeal site to allow HGV and commercial vehicles to perform turning manoeuvres which may allow them to

enter units 28 and 29 via the roller shutter doors. I have no substantive evidence before me to suggest anything to the contrary.

6. Given the proposed warehouse would not be encroaching onto the service road, in my mind, the ability of vehicles to adequately, safely and conveniently load/unload or service units 28 and 29 would not materially differ to the present situation, with no increased impediment to vehicular access and turning. The service road would still be accessible in the same manner as it currently is, with vehicles still able to load and unload parallel to the roller shutter doors. Vehicles can also still drive around the perimeter of the warehouse building, which I observed was not obstructed.
7. Moreover, I note the highways authority and the fire service have not raised any concerns in relation to the proposed warehouse.
8. Although no tracking diagrams or swept path analysis have been provided, given my findings above, I do not find in this particular case, that the provision of these would be necessary.
9. In conclusion, for the reasons above, the development would provide for adequate, safe and convenient loading and servicing arrangements for units 28 and 29. It would therefore accord with Policy IN2 of the Harlow Local Development Plan (2020) which, amongst other matters, requires development to meet the forementioned needs.

Other Matters

10. No concerns have been raised regarding the proposals effect on character and appearance of the area, neighbouring living conditions, heritage or flooding. From the information before me, I see no reason to disagree.

Conditions

11. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and Planning Practice Guidance (PPG). For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans.
12. Conditions related to ecology and biodiversity are necessary to ensure biodiversity enhancements are secured. A condition requiring a Construction Environment Management Plan (CEMP) to be submitted and approved, is necessary in the interests of ensuring existing business operations are not adversely effected. A condition related to parking is necessary in the interests of highway safety.

Conclusion

13. The proposed development accords with the development plan and there are no material considerations to indicate otherwise. Therefore, for the reasons given, the appeal should be allowed.

T Bennett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: ATAC.STO.24.200, ATAC.STO.24.103, STO-01 REV 1.1, ATAC.STO.24.100, ATAC.STO.24.101, STO-06 REV 1.5, ATAC.STO.24.102, STO-08 REV 1.5, Design and Access Statement.
- 3) Prior to the commencement of development, a Biodiversity Enhancement Strategy for protected, priority and threatened species, in line with the recommendations of the Ecology report prepared by Cherryfield Ecology (January 2025), shall be submitted to and approved in writing by the Local Planning Authority.

The content of the Biodiversity Enhancement Strategy shall include:

- a) purpose and conservation objectives for the proposed enhancement measures;
- b) detailed designs or product descriptions to achieve stated objectives;
- c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- d) detailed lighting scheme;
- e) persons responsible for implementing the enhancement measures; and
- f) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

- 4) The development shall be carried out in accordance with the measures outlined within the Ecology Report, prepared by Cherryfield Ecology (January 2025).
- 5) No development shall take place, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) safe access into the site
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) construction working hours.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 6) Prior to first occupation of the development, the proposed parking and turning spaces be laid out and demarcated in accordance with the approved proposed site plan ATAC.STO.24.103. The parking and turning spaces shall thereafter be kept permanently available for the use of staff and visitors to the site. Details shall be submitted to and approved in writing by the Local Planning Authority.

****End of conditions****