



Appeal Decision

Site visit made on 10 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/J1535/W/25/3367690

Burrs Farm, Foster Street, Hastingwood, Harlow, Essex, CM17 9HP

- 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 Mark Smithson against the decision of Epping Forest District Council.
 - The application Ref is EPF/2133/24.
 - The development proposed is erection of a commercial building and construction of an associated yard.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a commercial building and construction of an associated yard at Burrs Farm, Foster Street, Hastingwood, Harlow, Essex, CM17 9HP in accordance with the terms of the application, Ref EPF/2133/24, subject to the following conditions:

- 1) The development hereby permitted shall remain in accordance with drawing nos KCC1119/17 06/25ec; KCC1119/06 03/23ec; KCC1119/17 03/23ec; KCC1119/08 03/23ec; Supporting Statement dated October 2024.
- 2) Unless within three months of the date of this decision a scheme for surface water disposal is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within three months of the local planning authority's approval, the use of the building and yard shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the building and yard shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 3) Unless within three months of the date of this decision a scheme for the provision of parking spaces equipped with active Electric Vehicle Charging Point(s) is submitted in writing to the local planning authority for approval,

and unless the approved scheme is implemented within three months of the local planning authority's approval, the use of the building and yard shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within three months of the date of this decision, the use of the building and yard shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Preliminary Matters and Main Issue

2. Two additional location plans were provided by the appellant with their appeal submission. Drawing no. KCC1119/16 06/25ec identifies the location of the site and Foster Street but does not show the site with a red line boundary. Drawing no. KCC1119/17 06/25ec does show a red line boundary around the appeal site. The location plans do not alter the appeal scheme and the Council has had the opportunity to comment on these drawings. I am therefore satisfied that no party would be prejudiced by my consideration of drawing no. KCC1119/17 06/25ec with the red line boundary as part of this appeal.
3. At the time of my site visit, the development had already been carried out in accordance with the submitted drawings. I have therefore proceeded with the appeal on this basis. I have also removed the word 'retrospective' from the description of development in the banner heading above as this is not a term of development.
4. The first reason for refusal of the original planning application related to Green Belt matters. However, since the application was determined, a Certificate of Lawful Development was granted at the site for the existing use of a commercial site as a scaffolding yard¹. The Council now considers that the site comprises previously developed land, and as such their objections on Green Belt grounds have fallen away. Based on the evidence before me I have no reason to disagree.
5. Therefore, the main issue is the effect of the development on the Epping Forest Special Area of Conservation (EFSAC).

Reasons

6. The appellant's appeal Habitat Regulations Assessment states that the appeal site is 6.7 miles from the EFSAC. The EFSAC is adversely affected by poor local air quality alongside the roads that run through it. There is a possibility that vehicles from the appeal site could travel along roads alongside or within the EFSAC. However, the appellant estimates that there are up to six vehicle movements per

¹ Planning application ref. EPF/2108/24

day at the appeal site, and no evidence to the contrary has been provided. Given this small number of vehicle movements, some of which could be on roads which are further away from the EFSAC, and as the site has an existing lawful commercial use, it is unlikely that the appeal scheme would cause a Likely Significant Effect on the EFSAC. As such, an Appropriate Assessment would not be required.

7. For these reasons, the development accords with Policies DM2 and DM22 of the Epping Forest District Local Plan 2011-2033 Part One. These policies require, respectively, for development to ensure that there is no adverse effect on the site integrity of the EFSAC, and for development to ensure that sensitive receptors are not adversely impacted by air pollution.

Other Matters

8. Future development of the site would be subject to a planning application and would be assessed on its individual merits.

Conditions

9. The Council has suggested a series of conditions, which I have considered against the Framework and Planning Practice Guidance. In some cases, I have edited the suggested condition for clarity and enforceability.
10. As the development has already been carried out, the standard commencement condition is not necessary. However, in the interests of certainty, a condition is required to ensure that the development remains in accordance with the submitted drawings.
11. To ensure the satisfactory disposal of surface water from the site and to ensure the development contributes to supporting a low carbon future and the wider aims and objectives for reducing car-led air pollution in regard to the EFSAC, conditions are necessary which require the submission, approval and implementation of schemes for surface water drainage and the provision of parking spaces equipped with active Electric Vehicle Charging Points.

Conclusion

12. For the reasons given above the appeal is allowed, subject to the conditions listed above.

D Ellis

INSPECTOR