



Appeal Decision

Site visit made on 20 January 2026

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 3rd February 2026

Appeal Ref: APP/J1535/W/25/3375670

Land at CWS Nursery, Hoe Lane, Nazeing, Essex EN9 2RJ

- 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 Ferraro, G & M Salads Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0347/25.
 - The development is described as retention of B8 mixed open storage and portable office cabin and associated parking use for temporary period of three years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Whilst the appellant has stated that the description of development has not changed since that provided on the application form, a different description is provided on the appeal form. No evidence has been provided identifying that the amended description was formally agreed to by the parties, as such I have used the description provided on the application form in the banner heading above.
3. The use applied for has commenced and I will deal with the appeal accordingly.

Main Issues

4. The main issues are:
 - whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on openness; and
 - if the development is inappropriate, 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 development.

Reasons

Whether the development is inappropriate development in the Green Belt

5. There is no dispute between the parties that the appeal site is located within the Green Belt. 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. Paragraphs 154 and 155 of the Framework set out where certain types of development are not inappropriate development in the Green Belt, subject to certain considerations.

6. Policy SP5 of the Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 (LP) states that the openness of the Green Belt will be protected from inappropriate development in accordance with national policy and Policy DM4 of the LP. Part C and Part D of LP Policy DM4 set out a number of different exceptions where the construction of new buildings or other forms of development would not constitute inappropriate development in the Green Belt.
7. The appellant asserts that the site is brownfield land, also referred to in the Framework as previously developed land. Paragraph 154 g) of the Framework provides an exception to inappropriate development where a development would be limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
8. I am told that permission was granted previously for a greenhouse development on a wider area which included the site. The appellant has confirmed that whilst part of the greenhouse development went ahead, the site was cleared but never developed, due to the changing economic climate.
9. The Framework states that previously developed land excludes land that is or was last occupied by agricultural buildings. I find that the permitted horticultural use approved under the previous scheme would fall under an agricultural use. The previous use of the site appears to have been a grass field, also agricultural in use. No evidence is before me which suggests that the lawful use of the appeal site is not agricultural. Therefore, even if the development did not cause substantial harm to the openness of the Green Belt, given it has not been evidenced that the site constitutes previously developed land, paragraph 154 g) of the Framework cannot form an applicable exception in this case.
10. The appellant has referred to one requirement of paragraph 155 of the Framework. This part of the Framework states that commercial development in the Green Belt should also not be regarded as inappropriate where it meets four criteria, including one criterion (b), that there is a demonstrable unmet need for the type of development proposed. The appellant asserts that the site is meeting the high demand from local building firms and local builders who require open storage. However, I have not been provided with any compelling evidence about the level of need for open storage uses nor any details of available sites that may be suitable for such a use, or any information demonstrating a lack of such options in the surrounding area.
11. Therefore, I am not satisfied, based on the evidence before me, that the development is meeting a demonstrable unmet need. Consequently, notwithstanding the considerations required regarding the other criteria, I do not find that the development meets the requirements of criterion b) and therefore it cannot be considered as an exception to inappropriate development in the Green Belt under paragraph 155 of the Framework.

12. The development is therefore inappropriate development in the Green Belt. Policies SP5 and DM4 of the LP both state that permission will not be granted for inappropriate development, except in accordance with national planning policy. Paragraph 153 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I will return to this matter later in my decision.

Openness

13. The Council has provided a satellite image from 2017 which shows the site as an undeveloped grass field and there is no evidence before me which suggests any other previous use. The site is currently being used for the storage of scaffolding and building materials, some of which is stored under large, covered structures, along with associated parking. The appellant also confirms the siting of small portable cabins in use as offices and storage containers.
14. The Framework states that an essential characteristic of Green Belts is their openness and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land within them permanently open. Openness is recognised as relating to the absence of built form and can have both spatial as well as a visual aspect.
15. The structures used to provide covered storage areas along with the materials being stored, the hardstanding and the siting of storage containers and cabins have introduced structures and paraphernalia on to an undeveloped area of land. Whilst not all may be permanent, and some may be easily moved, at the time of my site visit a significant part of the appeal site was covered by them. These features in combination with the parking areas have significantly reduced the spatial openness of the site.
16. Extensive earth bunds are located along the southern and western boundaries. To the north and east are large greenhouses and to the west are other established commercial buildings and uses. To the south is a separate parcel of land currently used for the parking of vehicles, which is the subject of a separate appeal¹.
17. The nature of the surrounding commercial and horticultural buildings and the boundary treatments that have been placed along the southern and western boundaries does mean that the site is largely enclosed and as a result has a relatively contained character. Those working in the surrounding area, would find the presence of the storage use discernible, but more public views are limited. I note that the appellant identifies limited vehicular movements relating to the appeal site use, that the existing access is utilised and that no machinery is operated on site. I find that in combination, these factors limit the overall effect of the development on openness in terms of the visual aspect.
18. Overall, considering both the spatial and visual effects, I find the harm to openness to be moderate. Nevertheless, the Framework states that I must give substantial weight to any harm to the Green Belt including to its openness.

Other considerations

19. The appellant asserts that the site is meeting the high demand from local building firms who require open storage and that the development makes efficient use of

¹APP/J1535/W/25/3376265

an area of land which was underutilised. No explanation is provided as to why only a temporary permission is sought. Nonetheless, I acknowledge that the site is currently supporting businesses in providing open storage which does provide some economic benefits. However, the employment levels associated with the development or directly linked to it are not clearly identified and I can therefore only attribute moderate weight to this benefit.

20. I have limited information before me on the previously approved scheme for the wider greenhouse development. I am not aware of how much of the site would be covered in greenhouses or how they would appear, if the scheme were to be fully implemented. As such, I am unable to fully compare this fallback position with the appeal scheme. Whilst the approved greenhouse development would be in keeping with the surrounding horticultural uses, the development before me now is not typical of such a use. Consequently, without further details, I am not satisfied that the appeal scheme would have a similar effect to the adjacent horticultural operations.
21. Some of the reasons for not completing the approved greenhouse development are set out. I note that a decline in horticultural activities is cited as the main reason along with the reduction in profit margins, seasonality issues, heating costs, the growth of imports and the scale of greenhouse necessary to compete in the industry. Whilst I do not dispute that there may be challenges, there is no substantive evidence before me which fully demonstrates these circumstances.
22. I am also referred to two schemes by the appellant where change of use of neighbouring glasshouses to a B8 storage use was granted by the Council. Nevertheless, the Council has confirmed that one of those schemes² relates to a small area equating to 500 square metres which was granted under the prior approval process. The more limited size of that proposal along with the procedure it was applied for under was different to the scheme before me now. The material considerations in that case were therefore different. I am not provided with any details on the other scheme³ identified in order to make a comparison.
23. It is asserted that there are no dwellings within proximity of the appeal site, that the site is at low risk of flooding, that the likelihood of contamination at the site is low given it was previously grassland, that the use does not result in unacceptable noise impacts, that associated vehicular movements are limited and the existing access is sufficient, that no additional infrastructure is required to support the use and that it is not located within a conservation area. A lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the development.

Green Belt Balance

24. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
25. The development is inappropriate development in the Green Belt and results in harm to its openness, to which I must attribute substantial weight against the

² Council Ref: EPF/1680/24

³ Council Ref: EPF/0269/24

development. Although a temporary planning permission for three years would reduce the harm over time, the use and its harmful effects would nonetheless continue without justification in conflict with the development plan and the Framework. As such, even for a limited period of time, it would not overcome the substantial weight attributed to the harm to the Green Belt.

26. The matters in favour of the development attract only moderate weight, and the harm to the Green Belt is not clearly outweighed by the other considerations. The very special circumstances required to justify a grant of planning permission therefore do not exist. The development therefore conflicts with Policies SP5 and DM4 of the LP, the aims of which are set out above. For the same reasons the development is also contrary to Section 13 of the Framework.

Other Matter

27. The Council's second reason for refusal related to the effect of the development on the integrity of the Epping Forest Special Area of Conservation (SAC). The Council assert that the development results in a net increase in traffic. I note that there is dispute between the parties as to what data analysis should be relied upon to establish the likely Annual Average Daily Traffic using the roads within or in close proximity to the SAC. Nevertheless, given traffic is a key contributor to atmospheric pollution, likely significant effects on the qualifying features of the SAC cannot be ruled out and therefore an appropriate assessment is required.
28. However, Regulation 63(1) of The Conservation of Species and Habitats Regulations 2017 (as amended) indicates that the requirement for an appropriate assessment is only necessary where the competent authority is minded to give consent. As the appeal is being dismissed on other grounds it is not necessary for me to consider this matter further.

Conclusion

29. For the reasons outlined above, the development conflicts with the development plan when taken as a whole and material considerations, including the Framework, do not indicate that the appeal should be determined otherwise. Therefore, the appeal is dismissed.

G Dring

INSPECTOR