



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: 6th February 2026

Appeal Ref: APP/J1535/W/25/3376265

No 3 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 Di Maria, PDM Produce Ltd against the decision of Epping Forest District Council.
 - The application Ref is EPF/0367/25.
 - The development is described as retention of B8 open storage use for parking including key worker vehicles for temporary period of three years.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site address above is taken from the appeal form rather than the application form, as it appears to be more aligned with the Council's version, in the interests of clarity and consistency.
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;
 - the effect of the development on the character and appearance of the area; 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 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 also 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. Part C and Part D of LP Policy DM4 set out a number of different exceptions where certain forms of development would not constitute inappropriate development in the Green Belt.
7. The appellant asserts that the appeal 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 and packing house development on a wider area for the former Presdale Farm Nurseries which included the site. The appellant has confirmed that the site was prepared ready for the construction of the approved development, but it was never carried out, due to the changing economic climate. Information has also been provided which suggests that there may have been greenhouses on the site previously. It is therefore likely that the lawful use of the site is for horticulture which falls under an agricultural use and there is no evidence before me which suggests otherwise.
9. The Framework states that previously developed land excludes land that is or was last occupied by agricultural buildings. Given my findings above about the likely lawful use being agricultural, the site does not constitute previously developed land. 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. Paragraph 155 of the Framework states that commercial development in the Green Belt should also not be regarded as inappropriate where it meets four criteria. Criterion b) of paragraph 155 of the Framework requires that there is a demonstrable unmet need for the type of development. The appellant asserts that the development is meeting the high demand from two local car garages that require the storage of vehicles whilst they are waiting to be repaired or serviced. A letter has been submitted from a director of one of those garages, CHS Group, who identify that the site provides vital storage for vehicles and that finding a suitable alternative would be very difficult.
11. However, there is no substantive evidence submitted which demonstrates that this is the case. I have no information on the level of need locally for such open storage uses. No details are provided about available sites that may be suitable for such a use and why they are not acceptable, nor has any information

demonstrating a lack of such options in the surrounding area been provided. Therefore, based on the evidence before me, I do not find that it has been demonstrated that the development is meeting a demonstrable unmet need.

12. Therefore, whether the appeal site constitutes grey belt land or not, as I have found that criterion b) has not been demonstrated, I do not find that the development meets the requirements of paragraph 155 of the Framework.
13. The development therefore constitutes 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

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. The appellant's satellite image of the site from the year 2000 showed the majority of the site covered in grass and undeveloped.
15. Whilst the proposal is for the retention of the storage use already being carried out, the submitted information identifies 24 parking spaces for smaller vehicles and 5 larger parking spaces. During my site visit I witnessed significantly more vehicles parked on the site than is identified on the drawings, with more than 90 present. The appellant also asserts that no vehicle larger than 7.5 tonnes will be parked on the site, nevertheless, there were lorry units and trailers located on the site which are significantly larger than that. Whilst my visit was only a snapshot in time, there is no evidence before me to suggest this number or type of vehicles stored on the site is unusual.
16. Whilst the vehicles parked on the site are all moveable, this is not a situation where they are a transient feature. The development provides ongoing storage for vehicles and for as long as the use continues there would be vehicles on the site. These vehicles collectively present a solid mass in contrast to the previous undeveloped site, and this reduces spatial openness significantly.
17. Existing fencing and earth bunds surround the site, providing significant screening. Adjacent to the east and west are large greenhouses. To the north is a storage use which is the subject of a separate appeal¹ which is also largely screened by earth bunds. To the south is an undeveloped area of land. Views of the appeal site, from Hoe Lane, are restricted not only due to the boundary treatments around the site, but also due to vegetation along the roadside. Whilst those accessing the surrounding greenhouses and commercial area would note the boundary treatments and acknowledge the presence of the use, wider public views are not significant. The impact on the visual aspect upon openness is therefore moderate.
18. The appellant asserts that there are no buildings on site, that the existing access is sufficient to accommodate the use and the number of vehicle trips associated with

¹ APP/J1535/W/25/3375670

the development is limited to ten per week on average. It is also confirmed that no vehicle repairs are carried out on site and no machinery is operated. I accept that the activity and vehicle movements related to the site may not be overly significant, albeit it is likely that they would be more than if the site was undeveloped.

19. Considering the spatial and visual effects in combination, I find the overall 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.

Character and appearance

20. The Council has identified concerns in its second reason for refusal about the effect on the character and appearance of the area. However, the 'Character and Appearance' section of the Delegated Report refers to the development undermining the characteristics of the Green Belt, rather than the character and appearance of the area. The Council's Appeal Statement does not refer to this reason for refusal at all, and only refers to the first and third reason for refusal, renaming them as the first and second reasons for refusal.
21. Nevertheless, the site is set back from the road and is screened from public views. The use is discernible from viewpoints within the immediate surrounding area, but it is seen against the backdrop of the existing large greenhouse developments to the north, east and west and the nearby commercial development to the northwest.
22. The provision of a hardstanding has altered the character of the appeal site, and the storage of vehicles has altered its appearance. These features are largely screened by the boundary treatments, which are fairly solid in appearance. However, given the surrounding context described above, I find that the development does not result in an unacceptable impact on the character and appearance of the area. This does not override my concerns relating to the impact on the openness of the Green Belt, which is a different consideration.
23. Therefore, I find that the proposal does not have an unacceptable harmful effect on the character and appearance of the area. The proposal therefore complies with Policy DM9 of the LP. This policy seeks, amongst other things, that developments contribute to the distinctive character of an area.

Other considerations

24. The appellant asserts that the development is meeting the high demand for the storage of vehicles whilst they are waiting to be repaired or serviced at another location. A letter submitted from a director of CHS Group, identifies that the site provides vital storage for their garage operation. The appellant states that this includes a large proportion of key worker vehicles and that the development makes efficient use of a site that would otherwise be underutilised. The nature of the business means that only garage employees access the site to drop off or retrieve vehicles. It is also confirmed that the development provides two jobs for security workers.
25. I acknowledge that the development is currently supporting businesses in providing vehicle parking which does provide some economic benefits. Whilst noting the contents of the submitted letter, there is very little evidence before me that clearly demonstrates that there are no other alternative sites that could fulfil

this requirement in the local area. I therefore find that moderate weight should be attributed to this economic benefit.

26. The appellant has identified the reasons for not completing the approved greenhouse development and has stated that a horticultural use cannot be re-established by the appellant, on the appeal site. A decline in horticultural activities in the local area along with the reduction in profit margins, seasonality issues and related heating costs, the growth of imports and the scale of greenhouse necessary to compete in the industry are all raised as contributing factors. Whilst I do not dispute that there may be challenges, there is no substantive evidence before me which fully demonstrates these circumstances.
27. I am also referred to a scheme granted permission by the Council for the change of use of a section of the adjacent nursery site to storage and distribution, including partial demolition of existing glasshouses to accommodate 16 car spaces. The appellant states that this scheme has been implemented. However, I note that the Council identify that this was a scheme submitted under the prior approval process for a much smaller site area compared with the development before me now. Therefore, I find that there were different material considerations at play in that case.
28. The appellant contends that the development does not lead to issues relating to noise, pollution or disturbance, that no dwellings are located in proximity of the appeal site, that the site is not isolated, that the site is at low risk of flooding and given that the site was previously grassland there is low risk of contamination. It is also stated that there are no detrimental effects on highway safety, no further infrastructure is required to support the use and that the site is not located in a conservation area. A lack of harm or policy compliance in respect of these factors are neutral considerations that weigh neither for nor against the development.

Green Belt Balance

29. 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.
30. I have found that 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 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 if only permitted for a limited period of time, this would not overcome the substantial weight attributed to the harm to the Green Belt.
31. I have not found unacceptable harm in relation to the character and appearance of the area, however this is a neutral consideration that weighs neither for nor against the development.
32. 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

33. One of the Council's reasons 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. There is dispute between the parties about the likely Annual Average Daily Traffic using the roads within or in close proximity to the SAC and how robust the information submitted is in respect of this matter. I also note the appellant's contention that the Council considered information relating to an adjacent site rather than that submitted in respect of this site. 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.
34. 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

35. 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