



Appeal Decision

Site visit made on 10 March 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2026

Appeal Ref: APP/J1535/W/25/3376276

Lakeside Nursery, Paynes Lane, Nazeing, Waltham Abbey, Essex EN9 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Salvatore Cuffaro against the decision of Epping Forest District Council.
 - The application Ref is EPF/1929/25.
 - The development proposed is partial change of use of areas of glasshouse to storage use.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Salvatore Cuffaro against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. Under Article 3(1) and Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, (the GPDO) planning permission can be granted for development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within one of the following provisions of the Use Classes Order; (i) Class B2 (general industrial) of Schedule 1; (ii) Class B8 (storage or distribution) of Schedule 1; (iii) Class C1 (hotels) of Schedule 1; (iv) Class E (commercial, business or service) of Schedule 2; or (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2. This is subject to limitations and conditions. In this case, the appellant seeks a change of use to a storage use falling within use class B8. I have proceeded on this basis.
4. As an established agricultural unit exceeding 150 square metres in floor space, Paragraph R.3 (1) of the GPDO requires that developers must apply for a determination as to whether prior approval will be required for a number of matters. These comprise (i) the transport and highway impacts of the development, (ii) the noise impacts of the development as well as (iii) contamination risks and (iv) flooding risks. The Council refused prior approval on the grounds of highway impacts and noise.
5. A previous application for prior approval for a similar partial change of use of areas of glasshouse to flexible commercial use was refused¹. The appeal decision² for this

¹ Planning application ref. EPF/1403/25

² Appeal ref. APP/J1535/W/25/3373562

previous application was issued after the current proposal had been determined. The Inspector concluded that the noise impacts could have been mitigated to a satisfactory degree through conditions to limit the use to storage and distribution only, and through limiting delivery hours. Subject to these conditions being imposed in the event of this appeal being allowed, the Council no longer objects with regards to noise. Based on the evidence before me, I agree that the suggested conditions would prevent any adverse noise impacts.

Main Issue

6. The main issue therefore is are whether or not prior approval should be granted having regard to the transport and highway impacts of the proposal.

Reasons

7. The appeal site consists of a large glasshouse which is part of a horticultural nursery. Access to the site is from Paynes Lane, with the existing site entrance being used. The appellant's Transport Statement Rev B shows that a 7.5T box van approximately 8m in length would be able to enter and exit the appeal site in forward gear.
8. The appellant asserts that the maximum sized vehicle will be a 7.5T box van, however there are no planning controls to limit the size of vehicles that could enter the site. It is therefore possible that larger vehicles may be used. The nursery site currently accommodates HGV movements, and therefore vehicles larger than 7.5 box vans would rely on land outside of the red line boundary to be able to enter and exit the site in a forward gear.
9. Moreover, Paynes Lane is a single-track road which is unsurfaced in places and with no formal passing places. Paynes Lane also provides access to residential dwellings and other commercial premises. During my site visit I observed the entrances to driveways being used for vehicles to pass each other, otherwise vehicles would have to reverse along Paynes Lane to find the nearest opportunity to pass. Given the narrowness of the road and the presence of ditches on either side, such a manoeuvre could be hazardous, especially to cyclists and pedestrians using Paynes Lane and the public right of way.
10. The appellant states that the proposed B8 storage use would create the same number or fewer vehicle movements than the current nursery use. However, vehicle movements for the current use are likely to vary throughout the year according to the growing season, whereas a storage use is likely to create vehicle movements all year round. Furthermore, vehicle movements for the storage unit would be in addition to the vehicles movements for the remaining nursery. Even if the storage use attracts smaller vehicles than the nursery use, no substantive evidence of the number of existing or future vehicle movements to and from the site has been provided. I therefore cannot be certain that the proposal would not have a greater impact on Paynes Lane and would not increase the risk to users of Paynes Lane.
11. I acknowledge the lack of objection of the Highway Authority, although they do note that the public footpath along Paynes Lane should be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. However, I am not bound by their lack of objection, particularly given my concerns regarding the safe passage of the public on Paynes Lane.

12. For these reasons, it has not been demonstrated that the transport and highway impacts of the development would be acceptable. Therefore, the proposed development would not satisfy Paragraph R.3 (1)(i) of the GPDO and, consequently, prior approval is not granted in this regard.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

D Ellis

INSPECTOR