
Appeal Decision

Site visit made on 20 February 2017

by Graham Chamberlain BA MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd March 2017

Appeal Ref: APP/J1535/D/16/3167608

2 Takeleys Manor Cottages, Upland Road, Epping Upland, Essex CM16 6PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Mary Nolan-Lucas against the decision of Epping Forest District Council.
 - The application Ref PL/EPF/2146/16, dated 4 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is erection of walls and gates.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I observed that the proposed walls and gates have been erected.

Main Issues

3. The main issues in this appeal are: 1) Whether the proposal would be inappropriate development in the Green Belt; 2) The effect of the proposal on the openness of the Green Belt; 3) The effect of the proposal on the character and appearance of the area; and 4) If the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether or not the proposal would be inappropriate development

4. The National Planning Policy Framework establishes that the construction of new buildings is inappropriate development subject to a number of exceptions. The term 'building' refers to any structure or erection and therefore includes walls and in this instance walls and gates. There is nothing before me to suggest the appeal structure is a replacement or extension. As a consequence, the appeal scheme is not the type of development listed as an exception in Paragraph 89 of the Framework. I have not been directed to any local planning policies that would suggest otherwise, including saved Policy GB2A of the LP¹.

¹ Epping Forest District Local Plan 1998 and the Local Plan Alterations 2006

Consequently, the proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

The effect of the proposal on the openness of the Green Belt

5. The proposal would not undermine the five purposes of the Green Belt listed in Paragraph 80 of the National Planning Policy Framework. Nevertheless, the appeal scheme has resulted in a solid man-made feature being erected where one did not exist previously. This has eroded the openness of the Green Belt contrary to its fundamental aim as set out in Paragraph 79 of the Framework. Due to the modest scale of the appeal scheme the adverse effect on the openness of the Green Belt is limited.

The effect of the proposal on the character and appearance of the area

6. The appeal site encompasses a residential property located to the east of the parish church and the small cluster of housing around it. The brick walls and ornate metal gates are located along the roadside and partially mark the southern boundary of the appellant's garden. The appellant's garden is open to views from the roadside and is surrounded by post and rail fencing. Immature hedging has been planted around the boundaries of the garden save for the western boundary with the appellant's house and her neighbours, which is marked by semi mature planting. To the immediate south west of the appeal site is a farm and to the north, east and south are open fields and paddocks. The appeal site and its environs have a rural character and appearance, which the appeal site, particularly the garden, positively contributes to.
7. The walls and gates lack a simple rural character due to the ornate design and form and the sense of solidity, which affords them a more suburban appearance. In this respect, the structure jars with the simplicity of the timber post and rail fencing, five bar gates, hedging and parkland fencing evident nearby. The discordant appearance of the walls and gates is heightened by their position on the eastern side of a semi mature hedge, which places them away from other domestic structures. Although set back from the road, splayed and reasonably narrow relative to the road frontage of the garden, the position and height of the structure still results in the walls and gates appearing in views from Uplands Road as a somewhat isolated and conspicuous suburban feature in an otherwise rural scene.
8. Over time the existing landscaping along the southern boundary of the garden either side of the walls and gates would mature and this would soften the existing stark impact of the structure to an extent. However, new or existing landscaping can fail or be removed in the future and therefore cannot be relied on to screen or hide a development that is otherwise unacceptable. As such, a landscaping condition would not mitigate the impact of the proposal.
9. To justify the proposal the appellant has referred to other walls and gates nearby. However, these structures have a settled appearance and are significantly less prominent in the open rural landscape. As a consequence, these schemes are not sufficiently similar to justify the appeal scheme.
10. I therefore conclude that the proposal harms the character and appearance of the area. Given the limited visual envelope of the structure the harm is at a moderate level. This would be contrary to saved Policies CP2, DBE4 and GB7A of the LP, which together seek to secure developments that protect the rural or

visual amenities of the district. These policies are consistent with Paragraphs 17, 58 and 60 of the Framework and can be afforded significant weight.

Other Considerations

11. The appellant has suffered from two burglaries and I sympathise with her desire to further secure the property in response to these incidents. However, the brick walls and gates are not essential to achieve this aim because other gates and boundary treatment, which would be more appropriate to the rural setting, could be used to similar effect². To this end I note that a combination of post and rail fencing and hedging secures the rest of the boundary of the property and a five bar gate secures the entrance to the farm to the south west of the appeal site. Unlike the appeal scheme these are appropriate features that retain and reinforce a rural character. As such, they strike a reasonable balance between security and safeguarding the rural character of the area and the Green Belt. I therefore conclude that these considerations attract only limited weight as matters in favour of the proposal.

Whether there are Very Special Circumstances

12. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. I have concluded that the proposal is inappropriate development that, by definition, harms the Green Belt. I have also concluded that the proposal results in some limited harm to the openness of the Green Belt. Paragraph 88 of the Framework requires substantial weight to be given to any harm to the Green Belt. I have also identified some moderate harm to the character and appearance of the area.
14. On the other hand, the other considerations referred to by the appellant only carry limited weight in favour of the proposal. As such the harm to the Green Belt, and any other harm, is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist. Accordingly the proposal is contrary to the local and national planning policies when read as a whole and is not sustainable development for which the Framework carries a presumption in favour.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be dismissed.

Graham Chamberlain
INSPECTOR

² The same can be said in respect of preventing the appellant's dog and children from straying into the road.