

Appeal Decision

Site visit made on 5 June 2017

by C Jack BSc(Hons) MA MA(TP) MRTPI

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

Decision date: 20th June 2017

Appeal Ref: APP/J1535/W/17/3168476

Richmond Farm, Parsloe Road, Epping Upland, Epping, Essex CM16 6QB

- 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 Mr William H Wood of Messrs Woods against the decision of Epping Forest District Council.
 - The application Ref EPF/1826/16, dated 4 July 2016, was refused by notice dated 30 August 2016.
 - The development is the construction of porous hard standing area in hardcore base and road planings surface finish area – 57m x 48m (approx.).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that the hardstanding has been completed. The hardstanding area subject to this appeal, together with a further adjacent area previously used for the storage of caravans, was being used for the open storage of scaffolding equipment. The caravan storage has been relocated to the opposite end of the site. I am advised that a separate application, Ref EPF/0139/17, has been made to the Council for the scaffolding storage use for which Council officers were recommending refusal, but I have not been advised whether the application has subsequently been determined. I have considered this appeal in relation to the provision of the new hardstanding area only, as applied for, and not in relation to the apparent change of use which is the subject of separate consideration.

Main Issues

3. The main issues are:
 - Whether the proposal 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 proposal on the openness of the Green Belt and the purposes of including land within it; and
 - If the development would be inappropriate, 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.
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Reasons

Background

4. The site lies in the Metropolitan Green Belt. The area of hardstanding subject to this appeal has been completed and is situated beside a group of agricultural type buildings which now appear to be generally in various commercial uses. I am advised that the hardstanding replaced derelict glasshouses but no specific details of the purported glasshouses are before me. Any previous structures at the site are clearly not part of the existing property and cannot be counted as such. I shall though, in any event, examine this matter under the 'other considerations' section below.
5. The Council considers that the former glasshouses related to the previous agricultural use of the site, and accordingly that the site does not meet the Framework's definition of previously developed land. While the appellant considers the site to be brownfield, having replaced redundant glasshouses, no significant evidence has been provided to indicate that the glasshouses were not previously in an agricultural use, or to counter the view that the Framework's definition is not met. The definition expressly excludes land that has been occupied by agricultural buildings and therefore, in the absence of any substantive evidence to the contrary, I have considered the case before me on the basis that the site does not constitute previously developed land.

Whether the proposal is inappropriate development

6. The Framework makes clear that most development in the Green Belt is inappropriate and should be approved only in very special circumstances. Paragraph 79 of the Framework advises that the essential characteristics of Green Belts are their openness and permanence. Paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt. Paragraphs 89 and 90 set out that new development in the Green Belt should be regarded as inappropriate unless it meets one of the listed exceptions. Paragraph 89 is not directly relevant to the case before me as it relates to the construction of new buildings.
7. Paragraph 90 makes provision for certain other forms of development in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The hardstanding does not relate to mineral extraction, local transport infrastructure, re-use of buildings or the Community Right to Build. However, the appellant is of the view that it constitutes an engineering operation, the remaining exception listed in paragraph 90.
8. The Framework does not provide a specific definition of engineering operations. The Council is of the view that the limited level of complexity involved is such that the works to create the hardstanding would not have needed to be overseen by an engineer, and so constitute a building operation as 'other operations normally undertaken by a person carrying on a business as a builder'¹. My attention has been drawn to elements of Appeal Decision APP/J1535/C/12/2186463 in this regard, but I have not been provided with a full copy. On site, I saw nothing to suggest that the hardstanding was anything more complex in construction terms than being consistent with the

¹ Section 55 (1A) Town and Country Planning Act 1990, as amended

description given of a hardcore base and surface of road planings. On this basis, there appear to be some parallels with the earlier appeal decision, which also appears relate to a hardstanding albeit at a different site.

9. I have not been provided with any detailed specifications of the hardstanding that has been laid, the site preparation works undertaken, or any persuasive evidence that this type of work would either generally be overseen by an engineer or was overseen by an engineer in this case. I am therefore of the view that the construction of the hardstanding before me should be regarded as a building operation, for the purposes of the Town and Country Planning Act 1990, as amended, rather than an engineering operation. In light of this, I am not satisfied that the hardstanding meets any of the exceptions set out in paragraph 90.
10. I therefore conclude that, having regard to the Framework, the hardstanding constitutes inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt.

Openness and Green Belt purposes

11. A fundamental aim of Green Belt policy, as set out in Paragraph 79 of the Framework, is to keep land permanently open. The Framework does not provide a specific definition of openness, but, in the Green Belt context, it is generally held to refer to freedom from development as well as any visual impact.
12. The site is well screened from Parsloe Road by tall coniferous hedges and various existing buildings. The fence around the site and scaffolding equipment are partially visible, through a belt of deciduous trees, from the nearby residential roads of Savoy Wood and Holmes Meadow, which form part of the built up extent of nearby Harlow. However, the hardstanding itself is not readily visible from public viewpoints. Nevertheless, the aim of Green Belt policy is to maintain openness, whether publically visible or not. Furthermore, the presence of the hardstanding might reasonably be expected to facilitate some form of parking, storage or other uses, which would be likely to bring about an associated visual and spatial impact on openness.
13. It is not possible to compare the physical openness of the hardstanding to that of the glasshouses purported to have formerly occupied the site, given that their scale, nature, siting, use and the relative timeframes involved in their presence or removal are unsupported by any significant evidence in this case. Nonetheless, the Written Ministerial Statement (WMS) of 17 December 2015 sets out that intentional unauthorised development, i.e. development that has been undertaken in advance of obtaining planning permission, is a material consideration to be weighed in the determination of applications and appeals. The WMS advises that the government is particularly concerned about the harm that can be caused by intentional unauthorised development in the Green Belt.
14. That the development has already taken place, without the grant of planning permission, therefore weighs against the appeal. And, to my mind, the unquantified presence or otherwise of the glasshouses can carry little weight in favour of the openness of the development before me. The significant physical extent of the hardstanding has a modest detrimental effect on the spatial openness of the Green Belt. This effect would be likely to be exacerbated to a

significant degree by most potential uses of the hardstanding, as the spatial extent of the use would be likely to increase as a result of associated storage, parking or other related activities, which in turn would potentially result in an associated visual impact on openness, depending upon the scale and nature of the use in question.

15. In detracting from openness, the hardstanding alone conflicts with the fundamental aims of Green Belt policy to maintain openness in perpetuity. While the effects are moderate, given its low profile and its location adjacent to existing buildings, they are sufficient to result in the development being inappropriate development in the Green Belt, even if the hardstanding was to be considered an engineering operation. This detrimental impact on openness equates to harm to the Green Belt, to which the Framework specifies that substantial weight must be given.
16. Furthermore, it is reasonably likely that the glasshouses would have been associated with agricultural use, which is appropriate to a countryside location, albeit the site is only a short distance from the edge of the town. On this basis, the introduction of the hardstanding would also conflict with the Green Belt purpose to assist in safeguarding the countryside from encroachment, albeit to a limited degree.
17. For these reasons the hardstanding does not preserve Green Belt openness and impacts upon the purpose of safeguarding the Green Belt from encroachment, contrary to the requirements of the Framework. Moderate harm to the Green Belt arises from this, in addition to the harm arising from the inappropriate nature of the development. The development is also inconsistent with saved Policy GB2A of the Epping Forest District Local Plan Alterations 2006 (EFDLPA), which restricts development in the Green Belt including where openness would not be preserved or where there would be conflict with the purposes of including land in the Green Belt. The Council has also referred to Policy GB7A which relates to conspicuous development and the Green Belt. Given that the hardstanding itself is not visually prominent, I find no significant conflict with this policy. However, this does not diminish my conclusion overall in relation to openness and encroachment.

Other considerations

18. The appellant considers that the removal of unsightly, derelict glasshouses from the site has ensured that there is no greater impact on openness, and has improved safety because young people were trespassing in glasshouses. It is also put to me that the relocated position of the caravan storage has resulted in a less visually intrusive siting of the caravans. However, very limited evidence has been submitted to support these claims and, in any event, I do not consider that this weighs significantly in favour of the proposal, particularly now that the alleged buildings no longer exist.

Conclusion

19. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition I have identified adverse impacts on openness and the Green Belt purpose of safeguarding the countryside from encroachment. Substantial weight is to be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other

harm are clearly outweighed by other considerations. I give a very small amount of weight to the environmental and safety benefits that removing derelict glasshouses may have brought about, which is not sufficient to outweigh the substantial weight given to the harm to the Green Belt. Consequently, there are not the very special circumstances necessary to justify inappropriate development in the Green Belt.

20. For these reasons, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Catherine Jack

INSPECTOR