
Appeal Decision

Site visit made on 13 August 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal Ref: APP/J1535/W/19/3228011

Land forming part of the garden of Hobbs Cross Farmhouse and 2 Hobbs Cross Cottages, Hobbs Cross Road, Theydon Garnon, Epping CM16 7NY

- 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 N Clark of The W A Collins Life Will Trust against the decision of Epping Forest District Council.
 - The application Ref EPF/0864/18, dated 26 March 2018, was refused by notice dated 14 November 2018.
 - The development proposed is erection of one dwelling within the garden of the former farm house and creation of a vehicular access onto Hobbs Cross Road to serve the proposed dwelling and no. 2 Hobbs Cross Cottages.
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Decision

1. This appeal is dismissed.

Procedural Matters

2. Following the Council's decision on the application that led to this appeal there have been revisions to the Framework contained in the new version published in February 2019. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.
3. The Epping Forest District Local Plan Submission Version (2017) is referred to in the appeal submissions. I understand that this has progressed through the examination stage. However, I am not presented with evidence that these policies will be adopted in the form that they are presented to me and as such I afford them limited weight in my consideration of this appeal.
4. I understand that the site is within a 3km buffer zone from the Epping Forest Special Area of Conservation (the SAC) and as such there are concerns regarding the effect of the proposed development in terms of recreational pressure and air quality. If I were minded to allow the appeal, I would need to undertake an appropriate assessment. However, in the light of my conclusions below, it is not necessary for me to consider this matter further.

Main Issues

5. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies.
- The effect on the openness of the Green Belt.
- Whether the proposed development would provide a suitable site for housing having particular regard to the accessibility of services and facilities.
- If the proposals are found to be 'inappropriate', whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development and Openness

6. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence.
7. The Framework goes on to state that inappropriate development is harmful to the Green Belt. All proposals for development in the Green Belt should be treated as inappropriate, and thus should be approved only if very special circumstances exist, unless they come within one of the categories in the closed list of exceptions in either paragraph 145 or 146 of the Framework.
8. It is put to me that the proposed development would represent limited infilling of previously developed land. The main parties agree that the proposed development would constitute infilling. The development of a single house of the size proposed in this context would be limited. And I am not presented with any substantive evidence that the site is a residential garden within a built up area. Consequently, the proposed development would represent the partial or complete redevelopment of previously developed land in the terms of Paragraph 145. On this basis, in respect of inappropriateness, the remaining issue is the effect of the proposal on the openness of the Green Belt relative to the existing development.
9. Spatially, the proposed development would introduce built form into what is currently open land. Along with the dwelling itself the residential use would also introduce additional residential paraphernalia such as car parking, outbuildings, garden furniture associated with an additional household. As such it would have a greater spatial impact on the openness of the Green Belt than the existing development.
10. The proposed dwelling would be visible in public views from the highway as well as in private views from neighbouring properties. The site is partially screened by development to either side and a tree to the front which would limit views. While I appreciate that this would limit the visual impact of the proposal, nevertheless, in terms of visual intrusion, the proposed development would have a greater impact on the openness of the Green Belt than the existing development.

11. It is put to me that the existing farmhouse benefits from permitted development rights and could be extended. I am not provided with details that persuade me that the alterations and extensions that could be carried out under permitted development would be any more harmful to openness than the appeal scheme. Nor am I presented with evidence that such extensions and alterations are likely to be carried out, particularly as they would not achieve a new dwelling as is sought by this appeal proposal.
12. I note that the appeal scheme at Lillicroft Nurseries¹ is considered under a different exception and as such is notably different to the case before me now.
13. I therefore conclude that the proposal would be inappropriate development in the Green Belt in the terms of the Framework. I attach substantial weight to this harm as set out in Paragraph 144 of the Framework.

Suitability of the site for housing

14. The site is located within Hobbs Cross which includes a limited number of residential properties and a business centre. These properties are mainly accessed from Hobbs Cross Road, which includes a footpath for this part of its length. My attention is not drawn to any other local services or facilities within Hobbs Cross.
15. Whilst there is some employment in this area, future residents would need to travel to access day to day facilities at locations such as Abridge, Theydon Garnon, Theydon Bois and Epping. I am not provided with evidence of easily accessible public transport connections. Beyond the length of footpath referred to above, this part of Hobbs Cross Road is unpaved and unlit and therefore would not encourage journeys on foot.
16. I note there is no dispute in relation to highway safety or capacity. I also accept that existing properties in this area are likely to be reliant on the private car, however this does not justify additional harm from a new dwelling.
17. Consequently, the proposed development would not provide a suitable site for housing having particular regard to the accessibility of services and facilities and, in this respect, would be contrary to the following policies of the Local Plan Alterations Adopted July 2006 (the Local Plan Alterations): Policy CP1 (v) which seeks to avoid further commuting to achieve sustainable development objectives and CP6 (iii) which seeks to give preference to development within urban areas in order to achieve sustainable urban development patterns, and to the relevant advice in the Framework.

Other Considerations

18. The proposed development includes a driveway and parking which would allow cars for both Hobbs Cross Farmhouse and 2 Hobbs Cross Cottages to turn and enter the highway in a forward gear, to the benefit of highway safety.
19. The proposed development would bring the social, economic and environmental benefits of the provision of an additional house. These include that future residents would support shops and services in nearby areas and the viability of the community. The proposed dwelling is not secured as affordable housing, although it is put to me that as it is small it would be relatively inexpensive.

¹ APP/J1535/W/18/3195592

The dwelling would also contribute to local housing supply. Although the scale of the development (one additional dwelling) is relatively small, these matters weigh in favour of the proposed development.

20. I have been presented with a Unilateral Undertaking that secures £352 towards mitigating the impact of the Development upon the SAC. Whilst I have not been provided with evidence that justifies the amount of the contributions or detail of the mitigation that would take place, nevertheless, the contributions would need to be reasonable in scale to make the development acceptable in planning terms only. As such, in any case, the contributions discussed above would provide mitigation only and would not be a notable benefit.
21. I am not presented with detailed evidence relating to the redevelopment, renewal or intensification of the nearby business centre and therefore I afford limited weight to these specific circumstances.
22. The Framework indicates that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Although I find that the considerations advanced by the appellant weigh in favour of the proposals, along with the other matters identified in the evidence either individually or collectively, they do not clearly outweigh the identified harm to the Green Belt so as to amount to the very special circumstances necessary to justify the development.
23. For these reasons, combined with those set out above regarding whether the appeal scheme would be inappropriate development, the proposals are contrary to the relevant advice in the Framework and to Policies GB2A (Development in the Green Belt), GB7A (Conspicuous development), CP2 (ii) (Protecting the quality of the rural and built environment) of the Local Plan Alterations which I find to be broadly consistent with the Framework.
24. Policies DBE (i) CP2 (i), (iv) and (v) of the Local Plan Alterations refer to character and appearance of the landscape setting, countryside, townscape and biodiversity respectively. Consequently, I find that the policies set out above are more relevant to this main issue.
25. The appellant suggests that the Council cannot demonstrate a 5 Year Housing Land Supply, although I note that this is disputed by the Council on the basis of the Epping Forest District Local Plan Submission Version (2017). Nevertheless, Paragraph 11, footnote 6, of the Framework states that policies relating to land designated as Green Belt are policies that protect areas or assets of particular importance. And, as such, they provide a clear reason for refusing the development proposed. Consequently, even if I were to conclude that there was not a 5 year housing land supply, this would not be determinative in this case.

Conclusion

26. For the reasons set out above, this appeal should be dismissed.

H Miles

INSPECTOR