
Appeal Decision

Site visit made on 9 September 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2019

Appeal Ref: APP/J1535/W/19/3223983

The Fencing Centre, Peck's Hill, Nazeing, Essex EN9 2NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant outline planning permission.
 - The appeal is made by Messrs John & James Wilkinson, J&W Fencing Ltd against the decision of Epping Forest District Council.
 - The application Ref: EPF/1067/18, dated 16 April 2018, was refused by notice dated 17 October 2018.
 - The development proposed is demolition of all existing structures and complete site clearance followed by residential redevelopment with 33 dwellings, closure of existing access and creation of a new access point onto Peck's Hill.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal relates to an outline planning application, with all matters reserved except closure of the existing access and creation of a new access point onto Peck's Hill. The indicative layout plan submitted as part of the application has been taken into account insofar as it is relevant to my consideration of the principle of the development on the appeal site.
3. Although the emerging Epping Forest District Local Plan (LP2) is at an advanced stage, it is yet to be adopted and its policies may be subject to further change, which limits the weight to be attached to it. The saved policies of the Epping Forest District Local Plan (1998, as altered 2006) (LP1) therefore constitute the development plan for the purposes of the appeal. I will determine the appeal on this basis.

Main Issues

4. The main issues are:
 - a) whether the proposal would be inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies
 - b) the effect of the proposed development on the openness of the Green Belt
 - c) the effect of the proposal on the Epping Forest Special Area of Conservation (SAC)
 - d) provision of affordable housing
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- e) provision of early years childcare and primary education facilities, and
- f) would any harm by reason of inappropriateness and any other harm, if so found, be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Reasons

- 5. The appeal site comprises a builders' supply yard and a field, located towards the northern end of the settlement of Nazeing. The development plan comprises the LP1. The site is located in the Metropolitan Green Belt, as defined within the LP1.

Whether inappropriate development

- 6. Saved Policy GB2A of the LP1 requires strict control to be exercised over inappropriate development within the Green Belt, allowing for exceptions defined by Government policy. As such, GB2A is broadly consistent with the Framework.
- 7. Paragraph 145 of the Framework sets out a small number of exceptions to inappropriate development in the Green Belt. One such exception is the 'partial or complete redevelopment of previously developed land' (PDL) 'which would...not have a greater impact on the openness of the Green Belt than the existing development'.
- 8. Approximately two thirds of the appeal site is a draft residential site allocation¹ in the LP2 Submission Version (LPSV) (2017). The main parties agree that this part of the appeal site is PDL, and I see no reason to disagree. The appellants assert that in addition around another tenth of the appeal site - which is mainly occupied by a partly-overgrown mound of earth and rubble - is PDL. However, based on the evidence before me, I have no certainty that the mound area was previously occupied by permanent structures which meet the PDL definition in Annex 2: Glossary of the Framework. Even if the area of the mound were PDL, the bulk of the approximately L-shaped south-eastern third of the site is a field of rough grassland, and is not PDL. Taking the above together, I find that whilst much of the appeal site is PDL, a substantial part of it is not.
- 9. For the above reasons, the appeal site would not as a whole fall within the exceptions listed in paragraph 145g) of the Framework. Accordingly, in this respect, the proposal would be inappropriate development in the Green Belt and would conflict with the Framework and Policy GB2A of the LP1. Together the policies require strict control over inappropriate development in the Green Belt.

Openness of the Green Belt

- 10. Saved Policy GB7A of the LP1 requires strict control of development which would, amongst other things, have an excessive adverse impact upon the openness of the Green Belt. As such, GB7A is, in this respect, broadly consistent with the Framework.
- 11. Perimeter vegetation along the northern and eastern boundaries of the appeal site, and glasshouses to the north limit middle distance views from some other Green Belt land into the site. However, there is clear inter-visibility within the

¹ Site Ref: NAZE.R2.

site, and into the site from the rear of adjoining dwellings on Peck's Hill. There are also some views between and through deciduous perimeter vegetation of the field to the east and paddock to the south.

12. As indicated on the Preliminary Site Layout and Indicative Site Sections Drawings, housing on the appeal site is likely to substantially exceed the extent, height and solidity of the current buildings and sheds and therefore harm the openness of the site. Moreover, other typical elements associated with residential development, such as boundary treatments and domestic paraphernalia including cars, would impact adversely on the openness of the site.
13. Taking the above together, the proposal would have an adverse impact on the openness of the Green Belt, which would be conspicuous from within and, to a lesser extent, beyond the Green Belt.
14. A future reserved matters application may provide a different layout and design. However, it is anticipated that such considerations would not outweigh the harmful effect of the factors identified above. As such, it is considered that the proposal would result in harm to openness of the Green Belt. With regard to the effects on the aim and purposes of including land within the Green Belt, the proposal would encroach into the countryside and undermine the recycling of urban land.
15. I note the appellants' view that the degree of harm would be minimal due to the enclosed nature of the site, and that the proposal would not represent encroachment into the open countryside or the outward sprawl of the settlement.
16. However, for the reasons given above, I find that the proposal would significantly harm the openness of the Green Belt. As such, the proposal would conflict with the Green Belt openness element of Policy GB7A of the LP1, and with Green Belt policy in paragraphs 133 and 134 of the Framework.

SAC

17. The proposal would be located more than 7km from the Epping Forest Special Area of Conservation (SAC). Furthermore, the appeal site lies approximately 3.9km from the Wormley/Hoddesdon Park Woods SAC and approximately 2.6km from the Lee Valley Special Protection Area/Ramsar site. Within the above context, and as I am dismissing the appeal for other reasons, I have not undertaken an Appropriate Assessment of the proposal. Accordingly, it is not necessary for me to address this matter in further detail.

Affordable housing

18. Whilst the proposal is for 13 affordable houses on-site, the appellants set out that they are 'amenable' to providing 14 units of affordable housing, to achieve the 40% on-site provision envisioned in emerging Policy H2 of the LPSV. The appellants have produced a Unilateral Undertaking (UU), which provides, amongst other things, that 14 units - comprising a mix of eight two-bedroom units and six three-bedroom units - be provided as affordable housing. In the light of the above, this matter could be addressed through planning obligation.

Early years childcare and primary education facilities

19. The appellants set out that they would be willing to make the £203,025 contribution towards the above facilities, as required by the Council, to accord with Policy CF12 of the LP1. This commitment is further set out in the appellants' UU. In the light of the above, this matter could be addressed through planning obligation.

Other considerations

20. There is a need for additional housing in the district. There is no broad consensus between the main parties regarding the number of years' supply of deliverable housing sites. Rather, a range of possible supply is presented, between the appellants' assertion of 'very significantly below' five years, and the Council's assertion that proposed LPSV sites would, if allocated, exceed the need identified in the Strategic Housing Market Assessment. In the absence of substantive evidence to the contrary, I consider that the Council cannot currently demonstrate a five year supply of deliverable housing sites. The scale of the current shortfall is not definitively presented, although it may be substantial. Within this context, the proposed 33 dwellings would make a positive contribution towards reducing the deficit of housing in the district.
21. The proposal would also provide 14 affordable homes. The proposed development would result in economic benefit to the local area during and after construction. There would also be financial benefits through the New Homes Bonus. As contributions to early years childcare and primary education facilities are required to mitigate the effects of development, that matter is neutral in the planning balance. Taken together, the proposal's planning benefits carry substantial weight.
22. As indicated on the preliminary indicative layout and section drawings, the proposal is likely to result in loss of characteristic spaciousness and verdancy. I recognise that views of the site are contained to some extent by perimeter vegetation, the local topography and glasshouses on adjoining land to the north. The proposal would also provide some opportunity for native planting. A future reserved matters application may provide a different layout. Nevertheless, it is anticipated that such considerations would not outweigh the overall harmful effect on the character and appearance of the area of the loss of spaciousness and verdancy identified above.

Other Matters

23. The planning history of the site is acknowledged, specifically outline planning application Ref: EPF/3059/18 for demolition of all existing structures and complete site clearance followed by residential redevelopment with 25 dwellings, closure of existing access and creation of a new access point onto Peck's Hill. I understand that this proposal, on the northernmost two-thirds of the site, was approved in April 2019, subject to completion of a Section 106 Agreement. This scheme does not include the southern third of the appeal site, which limits its equivalence to the proposal before me.
24. The appellants' argument is that other potential residential allocation land is more open to view, of greater value to the Green Belt, and sequentially less preferable than the appeal site. Be that as it may, full details of other potential residential allocation sites are not before me. Moreover, the appropriate

process for allocating development sites is through the Local Plan. As such, whilst I have regard to the emerging LP2, it is not a consideration which outweighs the identified harm to the Green Belt.

25. As outlined above, I consider that the Council cannot currently demonstrate a five year supply of deliverable housing sites, and the scale of the current shortfall may be substantial. However, given the identified harm to the Green Belt, the tilted balance, as set out by Paragraph 11 of the Framework, is not engaged.

Conclusion

26. The proposal would be inappropriate development in the Green Belt which is, by definition, harmful. There would also be loss of openness of the Green Belt. The Framework establishes that substantial weight should be given to any harm to the Green Belt.
27. Accordingly, very special circumstances do not exist, as the potential harm to the Green Belt by reason of inappropriateness and other harm is not clearly outweighed by other considerations. In terms of the development plan, the proposal would conflict with Policies GB2A and GB7A of the LP1 as it would be inappropriate development in the Green Belt, and would harm the openness of the latter. The proposal would also conflict with the Framework policy on Green Belt.
28. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR