
Appeal Decision

Site visit made on 2 December 2019

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 17 December 2019

Appeal Ref: APP/J1535/D/19/3236747

4 Theydon Hall Cottages, Abridge Road, Theydon Bois, Epping CM16 7NP

- 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 Ms Margaret Bixby-Padfield against the decision of Epping Forest District Council.
 - The application Ref EPF/0645/19, dated 6 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is a new drive from the main road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the proposal amounts to inappropriate development in the Green Belt and whether there is any other harm to the Green Belt
 - The effects of the proposal on the character of the area
 - Whether there are any other matters which are capable of outweighing the harm to the Green Belt and other harm.

Reasons

Green Belt

3. The appeal relates to this semi-detached house which is set at the end of a short run of houses, close to the B172 Abridge Road. The property is separated from the main road by a section of embanked verge which contains a number of trees and other vegetation. Vehicular access which serves this and some of the neighbouring houses is set to the north of the appeal property. The property is within the Green Belt. The appeal seeks permission to provide a vehicle access through the existing verge (which is owned by the County Council as Highways Authority), onto the main road.
4. The National Planning Policy Framework (the Framework) states that, amongst other things, certain other forms of development are also not inappropriate development in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. It then lists these other forms of development, which includes engineering operations. In my

view, the provision of the proposed access is an engineering operation and so it needs to be assessed whether it would preserve openness and not conflict with the purposes of including land in the Green Belt.

5. Within the Framework, the purposes of the Green Belt are set out and includes "to assist in safeguarding the countryside from encroachment". The existing verge contains a number of trees and vegetation and it helps to screen the houses from the road here. It provides a natural screen of trees and vegetation which is consistent with this countryside location. The proposal would involve the provision of an access of 5.5m in width. In addition, a suitable radius would need to be provided at each side, visibility splays would need to be provided and maintained and, as the verge forms a bank, ground to either side of the access would need to be graded. This would involve the loss of some vegetation and the provision of hard-surfacing. This would significantly alter the character and appearance of the verge, reducing its natural appearance and replacing part of it with development in the form of hard-surfacing. This would also weaken the screening function that the verge performs at present.
6. The loss of the green and natural appearance of this part of the verge and its replacement with hard-surfacing would also have a detrimental effect on the natural and open character of this part of the Green Belt. In this way, the proposal would encroach on the countryside. Therefore, whilst the proposal amounts to an engineering operation, it would fail to preserve the openness of the Green Belt and would conflict with one of the purposes of the Green Belt. Therefore, the proposal amounts to inappropriate development in the Green Belt. I attach significant weight to this in the determination of this appeal.

Character of the area

7. The natural appearance of the area of verge is a positive feature within this area. It helps to screen the adjacent houses and gives a natural character within this countryside location. Whilst I accept that some of the verge would remain, I consider that, for the reasons set out above, the proposal would have an unacceptable effect on the locality due to the loss of part of the verge and replacement with hard-surfacing.

Other Matters

8. The appellant indicates that the existing access arrangements are sometimes hampered due to cars being parked and these can obstruct visibility and access. I have taken full account of this matter and can see from the photographs submitted, that other vehicles do sometimes park in this manner. However, if the appeal proposal were to go ahead, there is no guarantee that vehicles would not park on the verge, adjacent to the new access or within the access itself, as it would not be owned by the appellant.
9. I have also taken account of the appellant's submissions in relation to the individual quality of the trees on the verge. However, nothing within the Council's case relies on this and it is the overall contribution that the treed verge makes to the area that is important. In my judgement there are no other matters which are capable of clearly outweighing the harm to the Green Belt and the character of the area. Therefore, the very special circumstances necessary to allow the appeal are not present.

Conclusions

10. The proposal is contrary to Policies GB2A, CP1 and CP2 of the adopted Local Plan and Alterations and Policies DM4, DM5 and DM9 of the emerging Epping Forest Local Plan. There are no other matters which outweigh this conflict and so the appeal is dismissed.

S T Wood

INSPECTOR