
Appeal Decision

S0ite visit made on 26 May 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of

Decision date: 10th June 2020

Appeal Ref: APP/J1535/W/19/3243091

**Land Opposite the Old School House, Bournebridge Lane, Stapleford
Abbotts RM4 1LU**

- 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 Lui Prendi against the decision of Epping Forest District Council.
 - The application Ref EPF/1295/19, dated 20 May 2019, was refused by notice dated 16 July 2019.
 - The development proposed is a 3 bedroom bungalow with a double garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has referred to Policies DM4 and SP6 of the Epping Forest District Council Local Plan Submission Version, 2017 (LPSV) in their reason for refusal. I note that the LPSV is yet to be adopted, and in their evidence, the Council advise that there are unresolved objections to the plan. It is therefore subject to change and while I have not been made aware of the specific nature of the unresolved objections, this limits the weight that I afford to these policies.
3. The site has been the subject of a previous appeal¹ (the previous appeal) for the erection of a single dwelling. I have had regard to the previous inspector's findings.

Main Issues

4. 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 development plan policy;
 - the effect of the proposal on the openness of the Green Belt; and,
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

¹ APP/J1535/W/17/3176604 dated 4 October 2017

Reasons

5. The appeal site lies within the Metropolitan Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt. The construction of new buildings should be regarded as inappropriate in the Green Belt, with the exception of those set out in paragraphs 145 and 146 of the Framework. Paragraph 145 of the Framework sets out those categories of new buildings which may be regarded as not inappropriate in the Green Belt and includes limited infilling in villages. Policy GB2A of the Epping Forest District Council Local Plan 1998 (the Local Plan) states that development will not be permitted in the Green Belt unless it is not inappropriate by reason of falling within various categories of development.
6. The appeal site comprises a rectangular parcel of grassed land that sits between properties known as Meadow View and Fir Tree Cottage on the southern side of Bournebridge Lane. Paragraph 145 e) of the Framework allows limited infilling in villages and the appellant argues that the site is not located on the fringe, but located within a hamlet and therefore falls within a village. Thus, as the appeal site lies within a village and represents an infill development, the proposal is not inappropriate development within the Green Belt.
7. However, the appeal site lies to the south of Stapleford Abbots and to the west of Bournebridge. It is remote from either of these villages and forms part of a ribbon development of interspersed dwellings that are surrounded by areas of countryside. As such, the appeal site is not within a village, which is consistent with the findings of the Inspector that considered the previous appeal. Thus, the proposal is inappropriate development within the Green Belt.
8. Turning to openness, while there is no definition of openness in the Framework, in the Green Belt context, it is generally held to refer to the freedom of, or absence of development. The fundamental aim of the Green Belt is to keep land permanently open. The proposed dwelling would be single storey in height and would be positioned centrally within the site, covering almost its entire width. To the front of the dwelling would be a parking and turning area that leads to a garage, and an additional garden would be provided to the rear. This would change the appearance of the site and the physical reality is that the development would alter the characteristics of the Green Belt which would be significantly less open than its current state. Consequently, the proposed dwelling would result in a reduction in openness to the Green Belt.
9. In addition to infilling in villages, the Framework also permits the limited infilling or the partial or complete redevelopment of previously developed sites. I have no substantive evidence before me to suggest that the site is previously developed land (PDL) and indeed it is not an argument that the appellant advances in support of this appeal. Moreover, even if it was considered to constitute PDL, development would only be accepted where there would not be a greater impact on the openness of the Green Belt and I have not found this to be the case for the reasons given above.
10. Accordingly, the proposal would represent inappropriate development in the Green Belt. There would be a conflict with the purpose of Green Belt policy within the Framework which states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The appellant has not advanced any other exceptions listed within paragraphs 145 or 146 of

the Framework and from my own assessment, none are relevant given the nature of the proposal.

11. The development would be inappropriate because it would not fall within the various categories permitted under Policy GB2A of the Local Plan. The appellant has not put forward any other considerations that would amount to the very special circumstances required to outweigh the harm to the Green Belt. In such instances, substantial weight must be given to the harm to the Green Belt. Thus, the proposal would represent inappropriate development and would conflict with Policy GB2A of the Local Plan for the reasons set out above.

Other Matters

12. Epping Forest is designated as a Special Area of Conservation (SAC) and is a European site of nature conservation importance. It is established that any development resulting in a net increase in the number of dwellings, without avoidance measures, would be likely to have a significant effect on the SAC within the meaning of the Conservation of Habitats and Species Regulations 2010. This effect principally derives from identified recreational pressures on the SAC associated with additional residential development and atmospheric pollution on the SAC.
13. As the appeal is being dismissed on another substantive issue, it is not necessary to look at this matter in detail and had I been minded to allow the appeal, I would have explored the necessity for undertaking an Appropriate Assessment and the requirement for any payments to off-set the impact of the development on the SAC.

Green Belt Balance

14. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness and the loss of openness of the Green Belt resulting from the development. Against this, I attach little weight to the appellant's assertion that the proposal is not inappropriate development within the Green Belt and that the very special circumstances to justify the development are not required.

Conclusion

15. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. Thus, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR