



Appeal Decision

Site visit made on 29 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2020

Appeal Ref: APP/J1535/W/20/3254929

119 Sheering Road, Harlow CM17 0JP

- 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 Michael Newman against the decision of Epping Forest District Council.
 - The application Ref EPF/0877/19, dated 2 April 2019, was refused by notice dated 1 May 2020.
 - The development proposed is 3 bedroom detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether or not the proposal would be inappropriate development in the Green Belt, including its effect on openness having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the development on the character and appearance of the area; and
 - if the development is 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 the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

3. The appeal site is situated in the Metropolitan Green Belt. The Framework indicates that other than in connection with a small number of exceptions, the construction of new buildings should be regarded as inappropriate in the Green Belt.
4. Paragraph 145 (e) of the Framework permits limited infilling in a village. The characteristics of the area which would receive development are a material factor in considering whether the proposal would constitute such limited infilling.

5. The Epping Forest District Local Plan Submission Version (2017) (ELP) has reached an advanced stage and information has been provided as part of the appeal on the examining Inspector's advice regarding the main modifications to the plan. Therefore, I have attached moderate weight to emerging policy DM4 which defines limited infilling as development of a small gap in an otherwise continuous built-up frontage.
6. Even if developed, there would be a considerable gap between the proposed dwelling and the dwellings under construction to the west of the site. The existing gap between the built development does not contribute to a continuous built frontage. Therefore, the wider built context of the site with the level of spacing between the existing dwellings, all lead me to conclude that the development would not constitute the limited infilling in villages which the Framework considers to be not inappropriate development.
7. Paragraph 145(g) of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. There is no dispute between the parties that the site comprises previously developed land and from the evidence before me I have no reason to disagree with this assessment.
8. Openness can be defined as the absence of built form. In the case before me the built form and footprint of development would increase significantly above that which currently exists on site. The proposed dwelling would be positioned across the frontage of the site, resulting in a greater coverage of the site than currently exists. The development would in both spatial and visual terms have a greater and harmful impact upon the openness of the Green Belt. Therefore, it would result in moderate harm to the openness of the Green Belt.
9. In not complying with any of the listed exceptions, the scheme would be inappropriate development in the Green Belt, which paragraph 145 of the Framework states is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 of the Framework states that in considering a planning application substantial weight should be given to any harm to the Green Belt. The proposal would not comply with Saved Policy GB2A of the Epping Forest District Local Plan Alterations adopted July 2006 (LP) or policy DM4 of the ELP which seeks to restrict inappropriate forms of development in the Green Belt, which is consistent with the Framework.

Character and appearance

10. The appeal site is one of a small group of properties accessed off Sheering Road which are of differing designs and styles, which results in an organic form of development. As such, the group of dwellings are not uniform or symmetrical, and this contributes to the overall variety of the street scene.
11. The proposed dwelling would be two storey, but of narrow proportions in comparison to the other dwellings within Sheering Road. Although not of the same scale as the neighbouring properties, this difference would contribute to the varied character of the dwellings already displayed within this small enclave of dwellings and would add to the overall design differences.

12. However, the positioning of the garage in front of the dwelling would represent a substantial addition to the frontage of the site and its prominence would result in a dominant feature which would be at odds with the established character of Sheering Road, which features undeveloped frontages.
13. As I have set out above the proposed development would have an unacceptable effect on the character and appearance of the area and fails to comply with Policies DBE1 and CP2 of the LP which requires development to respect its setting in terms of scale, proportion and massing and to sustain and enhance the rural environment. For similar reasons it would not accord with Policies DM9 and DM10 of the ELP. However, as this is not yet an adopted part of the development plan and subject to change, I afford these policies less weight.

Other Considerations

14. The site is close to the facilities provided by the nearby town of Harlow which is a settlement where a reasonable amount of residential development can take place. In these respects the development would be relatively sustainable and a dwelling on the site would make a modest contribution to housing and support the viability of local facilities.
15. I recognise that the dwelling would enable the appellant to remain on the site with the support of his family, however this would be a benefit mainly for the appellant. Therefore, I afford limited weight to these specific circumstances.

Other Matters

Epping Forest Special Area of Conservation

16. The appeal site lies within the zone of influence identified by Natural England as being likely to result in harm to the Epping Forest Special Area of Conservation (SAC) due to increased leisure use and an increase in traffic impacting on air pollution. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
17. Given that the proposal is for an additional house, and its proximity to the SAC there is a reasonable likelihood that it would be accessed for recreational purposes by future occupants of this development. This additional activity would have the potential, either alone or in combination with other development in the area, to have a significant effect on the habitats site.
18. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

19. In conclusion I have identified that the scheme would be inappropriate development in the Green Belt as defined by the Framework and result in harm to both the openness of the area and to the character and appearance of the area. It would, by definition, be harmful to the Green Belt, harm which the Framework indicates should be given substantial weight.

20. Although I find that the considerations advanced by the appellant weigh in favour of the proposals they do not clearly outweigh the identified harm to the Green Belt. Consequently, very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR