



Appeal Decision

Site visit made on 30 November 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2020

Appeal Ref: APP/J1535/W/20/3256269

Carisbrook Farm, Kiln Road, North Weald, Essex CM16 6AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Henry E Woolhead against the decision of Epping Forest District Council.
 - The application Ref EPF/1537/19, dated 10 June 2019, was refused by notice dated 19 March 2020.
 - The development proposed is the removal from the site of the commercial use, including all buildings, concrete bases, hardstandings, and all associated materials, the removal of static mobile home, ancillary buildings, hardstandings, etc and the redevelopment of the site to provide ten modest dwellings with gardens and car parking, improvement of site access, new access road and all necessary ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was made in outline, with all detailed matters reserved for separate consideration. I have dealt with this appeal on the same basis, considering the layout provided of ten modestly sized bungalows as indicative of what is proposed.

Main Issues

These are whether the proposal would be (i) inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and relevant development plan policies, (ii) acceptable with regard to local and national policies for the location of new housing, the character and appearance of the area, the effects on Epping Forest Special Area for Conservation (SAC) and flood risk, and (iii) justified by very special circumstances that clearly outweigh any Green Belt or other harm.

Reasons

(i) whether inappropriate development in the Green Belt

3. The appeal site comprises a long-established clearing at one end of an area of ancient woodland. It is accessed via the public highway that runs into Green Belt countryside lying beyond the nearest settlement of North Weald Bassett. The site is used for the permitted repair and recycling of timber pallets and also contains an approved residential mobile home and its garden. There is an array

- of buildings, including former Nissen huts and sheds as well as hardstanding areas, storage, parked vehicles and more open, undeveloped sections.
4. The development plan currently comprises the Epping Forest District Local Plan¹ (LP). Some more limited weight is given to the emerging District Local Plan² (ELP). The Framework is an important material planning consideration, which sets out the great importance Government attaches to Green Belts. This states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence.
 5. Paragraph 145 of the Framework advises that the construction of new buildings should be regarded as inappropriate in the Green Belt, other than in specific exceptions. One potentially relevant exception is part g) which refers to limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.
 6. Whilst the proposal would relate to the redevelopment of previously developed land in current usage, the ten bungalows indicated would occupy a greater spatial extent of the appeal site than the existing structures. This would clearly render the area as a whole significantly less open, in the sense of being free from development. Consequently, the proposal would not satisfy the relevant exception to new buildings being otherwise deemed inappropriate in the Green Belt provided by Framework paragraph 145 g).
 7. The proposal would therefore be inappropriate development under the Framework which would, by definition, be harmful to the Green Belt. As a consequence, the scheme would conflict with LP policies GB7A and GB2A and ELP Policy DM 4, insofar as these seek to prevent a loss of Green Belt openness through inappropriate development.
- (ii) whether acceptable with regard to location, character and appearance, effects on Epping Forest SAC and flood risk*
8. The ten dwellings would be located within mainly undeveloped countryside, a significant distance outside the built-up confines of North Weald Bassett. A bus service and other facilities would be within moderate walking or cycling distance, but hardly close at hand. The location of the housing would quite clearly conflict with the development plan objectives for achieving sustainable development through a spatial strategy to focus new housing within the established larger settlements, close to existing services and facilities. This is to reduce the overall need for travel, particularly by private car, and at the same time protect the character of the countryside from the harmful impact of sporadic housing development. For these reasons, ten bungalows situated in this rural location would clearly conflict with LP policies CP1, CP2 and ST1, ELP Policy SP 2 and with the Framework.
 9. Whatever the final details, ten bungalows within this sylvan area of countryside, with its backdrop of ancient woodland, would appear entirely incongruous and have a harmfully suburbanising impact on its relatively unspoilt landscape character. The harm to the character and appearance of this

¹ Epping Forest District Local Plan – adopted January 1998 with alterations made in 2006.

² Epping Forest District Local Plan – submission version 2017.

rural area, and the potentially erosive threats to the adjacent ancient woodland, would render this scheme in conflict with LP policies CP2, DBE4 and LL10, ELP Policy DM 3 and with the Framework.

10. The resulting increase in traffic movements from ten bungalows would give rise to further potential harm in the context of the Epping Forest SAC; an area protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). In combination with other developments planned in this locality, this proposal might likely have a significant effect on the Epping Forest SAC due to increased atmospheric pollution. As there is currently no air quality mitigation strategy to contribute towards, it would not be possible to conclude that this proposal would not have an adverse effect upon the ecological integrity of the SAC. As a consequence, the scheme conflicts with LP Policy NC1 and ELP Policy DM 22 in regard to not satisfying the requirements of the Habitats Regulations.
11. Finally, the dwellings proposed are classed more vulnerable to flooding and are within Flood Zone 2, at probable medium risk. The proposal therefore requires the submission of a flood risk assessment³, the lack of which conflicts with LP policies U2B and U3A and ELP Policy DM 15, insofar as these relate to this particular issue.

(iii) whether very special circumstances exist

12. There would be quite small social benefits from this scheme helping to meet the housing supply needs of the area. The construction would also provide further quite small benefits to the local economy. However, the Framework requires substantial weight be given to the Green Belt harm found, both from the inappropriateness of the development and the resulting loss of openness. There would be further significant harm from the conflict with a development plan strategy for the sustainable location of new housing and the protection this gives the countryside and rural landscape more generally.
13. I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. For the reasons set out above, having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector

³ See Planning Practice Guidance – Flood Risk and Coastal Change – published 6 March 2014.