
Appeal Decision

Site visit made on 1 June 2021

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th June 2021

Appeal Ref: APP/J1535/W/20/3266188

New Barns Farm, Roding Lane, Chigwell, Essex IG7 6BJ

- 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 Gerald Padfield against the decision of Epping Forest District Council.
 - The application Ref EPF/2657/19, dated 30 October 2019, was refused by notice dated 3 July 2020.
 - The development proposed is detached house adjacent to the bungalow.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The latest Housing Delivery Test (HDT) results were published after the appellant submitted the appeal. These indicate that the presumption in favour of sustainable development, as set out at paragraph 11d of the National Planning Policy Framework (the Framework), is relevant in this case. The appellant and the Council have thus been provided with an opportunity to comment on any implications of this matter to the appeal.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; 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 required to justify the development.

Reasons

Inappropriate Development

4. The site is located within the Green Belt. It is adjacent to a 2 storey dwelling and includes mostly grassed and bare land with building materials and a storage container in situ. A limited amount of vegetation is located near the site's boundaries. It is accessed from a private road spurring from Roding Lane. Residential properties and agricultural and commercial buildings are

interspersed along the road. The immediate landscape is otherwise characterised predominantly by open fields, paddocks and wooded areas. The Council and the appellant agree that the site constitutes previously developed land. Based on the evidence before me and my observations on site, I have no compelling reasons to find otherwise.

5. The Framework explains that inappropriate development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. One specific exception to this is 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. This is set out by paragraph 145g of the Framework. The appellant claims that the development accords with this exception.
6. Policy GB2A of the Epping Forest Local Plan and the subsequent Local Plan Alterations (LP) states that development in the Green Belt will not be granted unless one of several exceptions are met. None of its exceptions are satisfied in this case. In addition, LP Policy GB7A explains that permission will be refused for development conspicuous within or beyond the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt. Policy DM4 of the Council's emerging Local Plan¹ (eLP) is also relevant. It includes an exception to inappropriate development that is similar to the one at paragraph 145g of the Framework.
7. The appellant contends that the site is located within a larger area of developed land that is physically and visually separated from the surrounding Green Belt by features such as the M11 and the London Underground Central Line. However, the proposed dwelling would nonetheless be in the Green Belt on a site that is currently predominately open. It would be 2 storeys in height and much larger in volume than the container. The proposal would have a greater impact on openness spatially than the existing development as a consequence.
8. Additionally, the site has limited enclosure and provides for views from the road of lower lying fields and wooded areas beyond it. The proposed dwelling would block such views and be conspicuous from the road. Supplementary vegetation to the front of the site would not be able to screen the development to the extent that it would not be harmful. Therefore, the proposal would also have a greater visual impact on openness than the existing development.
9. The proposal would have a greater impact on the openness of the Green Belt than the existing development. It would thus be inappropriate development in the terms of the Framework. The harm to openness would be substantial. The proposal conflicts with LP Policies GB2A and GB7A and eLP Policy DM4.

Other considerations

10. The appellant contends that the LP is out of date. However, paragraph 213 of the Framework states that existing policies should not be considered out of date simply because they were adopted or made prior to its publication. Instead, due weight should be given to them according to their degree of consistency with the Framework. LP Policy GB2A has limited consistency with

¹ Epping Forest District Local Plan Submission Version 2017

the Framework as it does not have a similar exception to paragraph 145g. It is out of date and, accordingly, the proposal's conflict with it attracts modest weight. LP Policy GB7A has greater consistency with the Framework because it aims to protect openness. The proposal's conflict with it therefore attracts moderate weight. The Inspector examining the eLP has not raised any relevant issues with Policy DM4. The conflict with it attracts moderate weight.

11. The appellant highlights that the eLP supports development on previously developed land and recognises that such land in the Green Belt will need to be used to meet the eLP's housing requirement. However, there is nonetheless conflict with the current development plan, the Framework and the eLP as identified above.
12. It is advanced that the adjacent dwelling was built in the location of a bungalow that was demolished and that outbuildings associated with it were previously located on the site; however, these were cleared to enable the dwelling to be constructed. Whilst I have no reason to doubt this, an assessment must be made based on the site's current condition.
13. It is also argued that the approval of the adjacent dwelling sets a precedent for the proposal. However, that dwelling replaced the bungalow and no dwellings are proposed to be replaced on the site for this scheme. The matters that would have been relevant in considering the proposal for the adjacent dwelling are therefore not directly comparable with those relevant to this scheme and do not compel me to alter my findings.
14. The Council has indicated that the proposal may harm the Epping Forest Special Area of Conservation (Habitats Site) in the absence of mitigation. If I were minded to grant permission, I would need to be satisfied that the proposal would not adversely affect the integrity of the Habitats Site. However, even if there would be no adverse effect, this would constitute a neutral consideration rather than a benefit weighing in favour of the proposal.

Planning Balance

15. Paragraph 144 of the Framework explains that very special circumstances to justify development in the Green Belt will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
16. The proposal would make use of a previously developed site to provide a small but notable contribution to housing supply and delivery in the context of the HDT results. Additionally, the Framework explains that small sites can make a valuable contribution to housing requirements and that development should optimise the use of land. The appellant also suggests that the site is in an accessible location near Buckhurst Hill and Chigwell Village. The Council has not explicitly disputed this and thus I have no reason to disagree. Nevertheless, the scale and thus the benefits of the proposal are modest.
17. Conversely, the proposal would be inappropriate development in, and result in substantial harm to the openness of, the Green Belt. Any harm to the Green Belt must be afforded substantial weight, as set out by paragraph 144 of the Framework.
18. Overall, the other considerations do not clearly outweigh the harm identified. The very special circumstances necessary to justify development in the Green

Belt therefore do not exist. Although paragraph 11d of the Framework is relevant, the policies in the Framework that protect the Green Belt provide clear reasons for refusing the development. Consequently, the Framework does not indicate in favour of the proposal.

Conclusion

19. The proposal conflicts with the development plan. Material considerations do not outweigh that conflict. I have not therefore considered the effect of the proposal on the Habitats Site since this would have no effect on my decision.
20. Accordingly, the appeal is dismissed.

Mark Philpott

INSPECTOR