



Appeal Decision

Site visit made on 14 February 2023

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2023

Appeal Ref: APP/J1535/W/22/3301315

Willow Park Farm, Millers Lane, Chigwell, Essex IG7 6DG

- 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 T Hussain against the decision of Epping Forest District Council.
 - The application Ref EPF/0442/22, dated 22 February 2022, was refused by notice dated 20 May 2022.
 - The development proposed is new access to House 1 as shown on Plan FAV_901.1
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is located in the Green Belt. The National Planning Policy Framework (the Framework) states that new buildings in the Green Belt are generally inappropriate. The Framework outlines that certain developments may be regarded as exceptions to this. In considering the planning application, the Council considered that the development was not inappropriate in the Green Belt. I have no reason to disagree with this analysis and have therefore proceeded on this basis.
3. My attention has been drawn to policies from the emerging Local Plan Submission Version (2017) (the emerging Local Plan). Although not an adopted document, I am not aware of any unresolved objections in respect of the cited policies. Furthermore, the appellant has had the opportunity to comment. Accordingly, I have attributed them some weight in my considerations.

Main Issue

4. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

Reasons

5. The appeal site has previously been the subject of planning permission for the erection of two dwellings. The appeal site consists of an area featuring buildings and hard surfacing surrounded by more open areas. The wider surrounding area contains an undeveloped area of countryside, with a limited number of other buildings nearby.
6. The proposed development comprises an additional access to serve one of the previously permitted dwellings. This would result in a notable increase in built form. This poses a concern given that this necessary increase in the overall

level of hardstanding would conflict with the generally open and verdant character of the wider area. Therefore, the proposed development would be incongruous.

7. The proposed development would be readily perceptible. Owing to the general topography of the area, the increase in built form arising from the access point would be readily apparent from other vantage points in the wider area. In addition, views would be created from the point where the proposed access would join the road. In consequence, the proposed development would be a strident addition to the landscape, even though the proposed access road would have a relatively short length.
8. In addition, the proposed access point would be viewed alongside other access points and developments nearby. Taken cumulatively, these would create a more engineered environment that would conflict with the existing, more open and less developed landscape. In consequence, the proposed development would result in an erosion of the area's character.
9. I have given consideration as to whether a condition could be imposed that would secure additional landscaping, including some native species, to screen the development. However, any such landscaping would take time to mature and take effect. Furthermore, any such landscaping would only screen some views. Therefore, I do not believe that the imposition of such a condition would overcome my previous concerns.
10. It has been suggested that the land on which the proposed development would be constructed is longer suitable for modern agricultural practices. However, even if this were to be the case, the proposal would result in an erosion of the area's open and verdant character. This would occur irrespective of the existing use of the land.
11. The appellant has suggested that the provisions of Paragraph 11(d) of the Framework should be invoked. This states, amongst other matters, that planning permission should be granted for residential developments unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
12. Even if I were to conclude that the Council cannot currently demonstrate a five-year housing land supply, I would find that the development before me does not seek to erect any additional dwellings in the area over the level that has previously been approved. The evidence before me is not indicative that the development, in its originally permitted form, is unlikely to come forward.
13. In result, I do not find that the development would affect the delivery of housing within the locality and, therefore, the provisions of Paragraph 11(d) of the Framework do not allow me to disregard my previous concerns.
14. In result, the development would conflict with the requirements of Policies DM3, DM9 and SP7 of the emerging Local Plan. Amongst other matters, these seek to ensure that developments protect the natural environment; do not harm landscape character; and are of a high-quality design. Although my attention has been drawn to Policy DM4 of the emerging Local Plan, this relates to preventing inappropriate development in the Green Belt. For the preceding reasons, I do not believe that the aims of this policy have been breached.

15. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would conform with the requirements of Policies CP2, LL1 and LL2 of the Epping Forest District Local Plan (1998). Amongst other matters, these seek to ensure that developments sustain and enhance the rural environment; conserve and enhance the character of the countryside; and respect the character of the landscape.

Other Matters

16. The evidence before me indicates that the scheme is unlikely to have an adverse effect upon highway safety. Although this is a matter of note, it is only one of all the matters that must be considered. It therefore does not overcome my findings in respect of the main issue.
17. Concerns regarding the manner in which the application was considered by the Council fall outside of the scope of this decision.

Conclusion

18. The proposed development would have an adverse effect upon the character and appearance of the surrounding area. The scheme would therefore conflict with the development plan taken as a whole. There are no material considerations, including the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR