



Appeal Decision

Site visit made on 28 March 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/J1535/W/22/3300095

Land adjacent to Gun Cottage, Abridge Road, Theydon Bois CM16 7NN

- 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 Russell Tucker against the decision of Epping Forest District Council.
 - The application Ref EPF/2206/21, dated 11 August 2021, was refused by notice dated 1 December 2021.
 - The development proposed is proposed crossover for the purpose of bringing machinery and plant onto the field (only means of access).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development in the banner heading above is taken from the decision notice, which accurately and succinctly describes the proposal. The application followed a previously refused scheme, which included an area of hardstanding. The proposal before me omits the hardstanding, retaining the proposed crossover element with hardstanding laid from the road to the gate. I have assessed the scheme on this basis.
3. The Epping Forest District Local Plan 2011 to 2033 (Local Plan) was adopted by the Council on 6 March 2023. This has replaced the Epping Forest District Local Plan (1998) and the Epping Forest District Local Plan Alterations (2006), such that the policies of these plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the Local Plan. Both main parties have had the opportunity to comment on this during the appeal.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the proposal on the character and appearance of the area; and
 - If it is inappropriate development, 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 proposed development.

Reasons

Green Belt

5. The proposed vehicle crossover would constitute an 'engineering operation'. Policy DM4 of the Local Plan confirms, amongst other things, that certain forms of development are not inappropriate in the Green Belt, provided they preserve its openness, and do not conflict with the purposes of including the land in the Green Belt. This list includes, amongst other things, engineering operations. This is consistent with the wording of paragraph 150 of the National Planning Policy Framework (2021) (the Framework).
6. A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The assessment of openness requires a consideration of both spatial and visual aspects.
7. Currently, the field is accessed via a gate, either side of a hedgerow, with access gained over the low kerb, grass verge and footway and it has a distinctly low-key quality. The proposal would introduce a formal entrance and the hardstanding would clearly be visible from Abridge Road and would be seen as a more distinct and urban feature along the road.
8. Given the size and the low-lying nature of the concrete hardstanding proposed, and the presence of other formal entrances along this part of the road, the visual effects from the proposal would be modest. Nonetheless, even incremental changes can erode the openness of the Green Belt. Set against the contrast of the existing low-key, and soft qualities of the existing field entrance, the proposal would not assist in safeguarding the countryside from encroachment. As such, the proposal would be at odds with one of the five purposes of the Green Belt as set down in paragraph 138 of the Framework.
9. I therefore find that the proposal would be inappropriate development in the Green Belt and would be at odds with Policy DM4 of the Local Plan and paragraph 150 of the Framework, insofar as they relate to this matter.

Character and appearance

10. The appeal site comprises of a grassed agricultural field accessed off Abridge Road. This is a busy road, characterised by a mixture of uses including residential and agricultural fields, amongst other things. This results in a distinctly semi-rural character to the road. The presence of hedgerows and soft verges positively contributes to the rural qualities as a contrast to the more urban and domestic features such as boundary fences, formal vehicular entrances, and highway infrastructure.
11. The proposal would add another formal vehicular entrance in this part of the road. Its material finish and wide splay adjacent to the carriageway would be highly visible when passing. This would incrementally erode the rural qualities of this semi-rural landscape.
12. The Council categorise the extent of harm from the urbanising form of the access as being significant. However, in my view, the presence of other entrances along this part of the road would moderate the degree of harm and ensure that the extent of harm would be small.

13. I do not have full details of the excavation required to facilitate the proposed access and any associated impacts that this may have on roots of adjacent vegetation. Although not determinative, the absence of such information and any subsequent loss of hedgerow to accommodate the access adds to my concerns.
14. To conclude on this matter, the proposal would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore be contrary to Policy DM9 of the Local Plan and paragraphs 130 and 174 of the Framework when taken together. These, amongst other things, seek high quality design and recognise the intrinsic character and beauty of the countryside.

Other considerations

15. The Framework states 'very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
16. The vehicular access would be used by a tractor, or similar vehicle, with associated equipment to cut the grass. The proposal would assist in reducing the risk of mud being dragged onto the road by vehicles leaving the field, and I'm told it would also protect utilities beneath the access. However, I have no substantive evidence of any existing risk or history of problems from the existing access arrangements to maintain the field, moderating the weight I give to these benefits.
17. The grass cutting has previously been undertaken approximately three times a year. This could potentially increase. However, having regard to the size of the field and the seasonal and periodic nature of grass cutting, the extent of vehicular activity using the crossover throughout the year would be very small. In this regard, the associated benefits put forward would be very small and carry a very small level of weight.
18. The absence of harm in relation to other considerations are neutral matters that weigh neither for nor against the proposal. Concerns regarding the processing of the application or the motives of individuals are not matters for my consideration and do not alter the planning merits of the proposal.
19. The appellant has made changes to their scheme following the refusal of earlier planning applications with the view to finding a solution. However, this is not a matter for my consideration in this appeal, and I am only able to make my decision considering the plans that were before the Council when they made their decision.
20. I have been referred to a previous permission for a stable on the adjacent land, which included an access and areas of hardstanding. This is a different proposition to the proposal before me where the access serves a specific building rather than the appeal scheme, which would serve the field only.
21. The stables and access have a greater impact on the openness of the Green Belt than the proposal before me, due to the presence of the built form and larger extent of engineering operations. However, I do not have the full details of the circumstances that led to that proposal being accepted. I cannot therefore be sure that it represents a direct parallel to the appeal proposal including in respect of use, nature of vehicles using the access and

development plan policy. In any case, I have determined the appeal on its own merits, including having regard to the presence of the stables and associated access.

Conclusion

22. The proposal would result in a minor loss of openness, and would be at odds with the fundamental aim of the Green Belt and one of the purposes listed in paragraph 138 of the Framework. It would therefore be inappropriate development in the Green Belt.
23. Paragraph 148 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. This is a high hurdle for a development proposal to overcome. Other considerations in favour of the development must clearly outweigh the harm. There would also be a small degree of harm to the character and appearance of the surrounding area.
24. In this instance, the other considerations carry a very small level of weight. Therefore, they do not clearly outweigh the substantial weight given to the harm to the Green Belt by reason of inappropriateness and the other harm I have identified. As such, the very special circumstances necessary to justify the proposal do not exist. The proposal would be contrary to national policy in the Framework and Policy DM4 of the Local Plan, when taken together and insofar as they relate to this matter.
25. To conclude, the proposal would conflict with the development plan when read as a whole and there are no material considerations that would outweigh that conflict.
26. For the reasons given above, the appeal is dismissed.

Mr R Walker

INSPECTOR