



Appeal Decision

Site visit made on 11 May 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/J1535/W/22/3290790

Brookfield Nursery, Agnes Martino, Sewardstone Road, Waltham Abbey E4 7RJ

- 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 Mrs Lucy Farley against the decision of Epping Forest District Council.
 - The application Ref EPF/1484/18, dated 29 May 2018, was refused by notice dated 12 November 2021.
 - The development proposed is described as 'Demolition of the existing buildings on the site and the clearance of the site and the erection of a four bedroom dwelling together with parking, landscaping and access from Sewardstone Road'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Epping Forest District Local Plan 2011-2033 (LP) has been adopted, superseding the 1998 Epping Forest District Local Plan and the Epping Forest District Local Plan Alterations (2006). The main parties have had the opportunity to comment on the situation and I have taken the responses I received into account. Furthermore, the Council confirmed it can now demonstrate a five year supply of deliverable housing land. There is no compelling reason for me to disagree. I have proceeded on these bases.
3. I have treated the submitted plans as being illustrative only since the scheme seeks outline planning permission with access. Notwithstanding the reference to landscaping in the description of development, appearance, landscaping, layout and scale are reserved.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the openness and the purpose of the Green Belt;
 - whether the proposal would be a suitable location for development with regard to the spatial development strategy and the opportunity for means of access other than the private car; and

- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether Inappropriate Development

5. The Framework identifies at paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the Framework confirms that new buildings are inappropriate in the Green Belt unless it is one of the exceptions listed. LP Policy DM4 is consistent with the Framework in these respects.
6. LP Policy DM4C.(vi) is consistent with paragraph 149 g) of the Framework, as they relate to this appeal, and allows for the redevelopment of previously developed land (PDL) subject to it not having a greater impact on the openness of the Green Belt than the existing development.
7. The glossary to the Framework defines PDL and specifically excludes land that is or was last occupied by agricultural buildings. S336 of the Town and Country Planning Act 1990 (as amended) confirms that the definition of agriculture includes horticulture.
8. There is limited evidence before me as to the previous use of the site. The appellant has not submitted any substantive evidence to demonstrate the previous use of the site as a marble factory. I find the most compelling evidence to be the consultation response from Simon Bell which screened readily available council records which showed the land use as a horticultural nursery. I therefore consider that the exception provided by LP Policy DM4C.(vi) and paragraph 149 g) of the Framework would not apply to the proposal before me.
9. LP Policy DM4C.(v) and paragraph 149 e) of the Framework as they relate to this appeal provide an exemption for limited infilling. While the Framework applies this to villages, the policy refers to rural communities. Neither document defines the relevant terms. The Council in their report, which pre-dates the adoption of the LP, sets out that Sewardstone does not constitute a village, but no detailed explanation is provided. I have not been directed to any guidance as to how a rural community would be defined or if there is any settlement limit for Sewardstone. However, I am mindful that it is a matter for the decision maker to ascertain whether the site forms part of a village or (in the case of this appeal) rural community as a matter of planning judgement having regard to the situation 'on the ground'.
10. At my site visit, I observed a reasonable amount of development along Sewardstone Road. Although linear in layout and often interspersed with gaps in the built frontage, I have no reason to consider Sewardstone should not be considered to be a rural community or a village.
11. Paragraph 4.30 of the supporting text to LP Policy DM4 defines limited infilling as the development of a small gap in an otherwise continuous built-up frontage, the small scale redevelopment of existing properties within such a frontage or the infilling of small gaps within built development.

12. There are detached dwellings to one side of the appeal site, and a mixture of nursery and residential buildings to the rear of the site. While the glasshouses and related structures do extend along Sewardstone Road, they are sufficiently set back from the highway that it does not appear that there is a continuous built-up frontage. There is a considerable gap to the next built development along Sewardstone Road which could not reasonably be considered to be a small gap. The appeal proposal would therefore not constitute infilling, limited though the scale of the scheme would be for a single unit.
13. As I have found that the proposal would not constitute limited infilling in a rural community, it is not necessary for me to consider if the location is in accordance with LP Policy H3 as sought by LP Policy DM4C.(v).
14. For these reasons, the appeal proposal would constitute inappropriate development in the Green Belt as it would not meet any of the exceptions set out in LP Policy DM4C or paragraph 149 of the Framework. Paragraph 147 confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and Purpose

15. The 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'. Openness is the absence of development and can have spatial as well as visual aspects.
16. Paragraph 138 of the Framework sets out the five purposes of the Green Belt, namely to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
17. As the appeal seeks outline planning permission, matters relating to layout and scale would be considered at the reserved matters stage. However as planning permission is granted through the outline, the effect on openness must be considered at this stage.
18. An existing site layout plan was not submitted as part of the appeal. At my site visit, I observed the existing buildings on the site. The largest building is set along one boundary towards the rear of the site, while the other structures are along the rear elevation. The indicative siting shows the dwelling sitting more centrally within the site and occupying much of its width. It is reasonable to consider that the site would be developed in a manner similar to that shown to ensure that private amenity space could be provided for future occupiers.
19. Visually, notwithstanding the current overgrown nature of the site, a building would appear more prominent than the existing development on the site by being brought closer to the site frontage. This would be further exacerbated by the provision of the access, parking and turning space that would be necessary along with the greater pressure for domestic paraphernalia within the curtilage. This would, together, reduce the openness of the Green Belt. This harm would be moderate, given there is a building on the site at present and the presence of the adjacent dwelling, those beyond and the glasshouses. Nonetheless, it

would cause harm and in accordance with paragraph 148 of the Framework, I give it substantial weight.

20. Given the adjacent dwellings, glasshouses and position of the site in relation to the layout of Sewardstone, the proposal would not be in conflict with the purposes of the Green Belt with respect to checking unrestricted sprawl, preventing neighbouring towns merging and safeguarding the countryside from encroachment. This lack of conflict would amount to a lack of harm and would therefore be a neutral factor. Preserving the setting of historic towns is not relevant in this case.
21. The proposed development would conflict with the purpose to assist in urban regeneration, as it would permit development outside of an urban area. Whilst the scale of that conflict would be limited by the scale of the proposed development, in accordance with paragraph 148 of the Framework, I attach substantial weight to it.

Suitable Location

22. The spatial development strategy, as articulated through LP Policy SP1, seeks to direct development to larger settlements and within development limits. Sewardstone is not referred to in this policy, nor have I been provided with any development limit for the settlement.
23. There are limited services and facilities within Sewardstone which would be within walking distance of the site. These would be capable of meeting some needs. However, it is unlikely that the small scale services would be capable of meeting the majority of day to day needs and as such there would likely be travel to surrounding settlements. The appellant has highlighted supermarkets to the north of the site. However, this route along the main road would be unlikely to be attractive to pedestrians given the distance of 2km, particularly in poor weather or in darkness.
24. I observed a bus stop directly opposite the site. Although the flow of traffic was steady at the time of my site visit, the road is subject to a speed limit of 30mph and it was not unduly difficult to cross. However, I have not been provided with any substantive evidence of the service available from this stop and the evidence I do have suggests it is extremely limited. It is therefore likely the future occupiers of the dwelling would be highly reliant on the private car to meet their day to day needs.
25. I therefore conclude that the proposed development would not be in a suitable location for development with regard to the spatial development strategy and the opportunity for means of access other than the private car. This would be contrary to LP Policy SP1 which seeks to direct development to locations within defined settlement boundaries for this specific reason, promoting sustainable patterns of new development.

Other Considerations

26. While the overgrown nature of the site and condition of the building may not be particularly visually attractive, they could be addressed without the need for the proposed development. I therefore attach limited weight to this.
27. There would not be any adverse effect on the living conditions of neighbouring occupiers or on highway safety. In isolation of consideration of the Green Belt,

it has not been put forward the development would harm the character and appearance of the area. However, these would amount to a lack of harm in each case and would therefore be neutral factors.

28. There would be economic benefits during the construction and occupation of the proposed dwelling. Constructing the proposed dwellings to environmental standards beyond those of the building regulations would be capable of being an environmental benefit of the scheme, however this does not form part of the proposal before me and no suitably robust mechanism has been proposed which would allow me to secure this matter. There would be opportunities for future occupiers of the proposed dwelling to have social interaction with existing residents such as at the café or farm shop. However, these benefits would be limited as the proposal is for one dwelling.

Other Matters

29. The site is located within the Zone of Influence for the Epping Forest Special Area of Conservation (SAC) which is subject to pressures from air pollution and recreational disturbance. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the SAC. However, given my findings above, it has not been necessary for me to pursue this issue further. A finding that the proposal would not have an adverse effect on the integrity of the SAC, with or without any mitigation, would be at best a neutral matter.
30. I have not been provided the specific details of planning permissions granted in the surrounding area to be able to make firm conclusions as to their relevance to the scheme before me. However, this appeal is being determined in accordance with the recently adopted development plan and on its own merits.

Conclusion

31. I have found that the proposal would constitute inappropriate development in the Green Belt and would be harmful to its openness and purposes. I afford these matters substantial weight. The other considerations in this case do not carry sufficient weight to clearly outweigh the harm. Consequently, the very special circumstances necessary to justify the proposed development do not exist.
32. The proposed development would conflict with the development plan taken as a whole and there are no material considerations before me, including the Framework, and worthy of sufficient weight, to suggest the decision should be made other than in accordance therewith. Therefore, the appeal should be dismissed.

J Downs

INSPECTOR