



Appeal Decision

Site visit made on 11 July 2023

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2023

Appeal Ref: APP/J1535/D/23/3314878

Holmwood, Stapleford Road, Stapleford Abbots, Romford, Essex RM4 1EJ

- 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 Shaun Silver against the decision of Epping Forest District Council.
 - The application Ref EPF/1973/22, dated 26 August 2022, was refused by notice dated 7 November 2022.
 - The development proposed is described as the “proposed erection of new garage/store.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address in the heading above has been taken from the application form, albeit that the reference to Essex has been made after Romford rather than preceding as shown on the application form.
3. Since the determination of the application, the Council have adopted the Epping Forest District Local Plan 2011 to 2033 (EFLP) in March 2023, which revoked the Epping Forest District Local Plan, adopted January 1998 and the Epping Forest District Local Plan Alterations, adopted July 2006. I am required to determine this appeal on the basis of the development plan which is in force at the time of my decision. I requested views from both parties to provide updated comments to reflect this, and where appropriate I have taken their comments on the relevant policies of the new EFLP into account as part of the appeal. This appeal has therefore been determined in relation to the policies contained within the EFLP.

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 (the Framework) and any relevant development plan policies;
 - The effect of the proposal on the openness of the Green Belt;
 - The character and appearance of the surrounding area including the impact on trees; 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 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149. EFLP Policy DM4 is broadly consistent with the approach of the Framework, in seeking to protect the openness of the Green Belt from inappropriate development, also subject to exceptions.
6. Criterion c) of paragraph 149 and criterion C(iii) of EFLP Policy DM4 are the most pertinent to this appeal, both of which apply to the extensions or alterations of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The term building¹ includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building. In applying this definition, the proposed garage would be regarded as a 'building' for the purposes of the Framework. However, the appeal site is a detached residential property, and the proposal seeks the introduction of new development some distance (approximately 20 metres) forward of the original property. As such, this cannot be considered an extension or alteration to the Holmwood property and the exceptions in paragraph 149 c) of the Framework and C(iii) of EFLP policy DM4 would not apply.

Openness

8. There are spatial and visual aspects to the assessment of the openness of the Green Belt. In spatial terms, the appeal proposal would increase the footprint over that of the existing development. The proposed garage would also be taller and provide a structure in an area which is largely devoid of built development close to the roadside. As such, the proposal would have a limited adverse impact on the openness of the Green Belt in spatial terms through the combination of increased footprint, mass and height from that existing.
9. With regard to the visual aspect, the proposal would provide a development that sits forward of the existing property at Holmwood and would be prominent within the streetscene due to its location. However, it is acknowledged that the front boundary consists of piers, railings and gates alongside well-established trees, hedges and shrubs, which all provide a good screen of the proposal from Stapleford Road, reducing the impact of the proposal to glimpse views only. Consequently, it would have limited visual impact on the openness of the Green Belt.
10. Whilst I find there would be limited impact on both the visual and spatial dimensions of the openness of the Green Belt, this would result in harm, nonetheless. As a result, the proposal would be inappropriate development in the Green Belt and as such would not constitute an exception as set out in paragraph 149 of the Framework. In addition, it would conflict with Policy DM4 of the EFLP.

¹ Section 336 of the Town and Country Planning Act 1990

Character and appearance

11. The appeal site forms part of a ribbon of development located on the western side of Stapleford Road, with the opposite side of the road consisting of mainly open fields with sporadic development including Brook Farm Equine Centre and associated buildings. The area is mainly residential, albeit with a pleasant semi-rural feel. Whilst it is acknowledged that the proposal would provide a relatively low-level form of development, it would sit forward in the site in contrast with the general layout of the existing plots of neighbouring properties. Taken in isolation, the design, scale and height would respect the domestic character and appearance of the area, however the prominent location would be at odds with the prevailing development.
12. The existing trees and vegetation provide an effective soft green screen of the appeal site and thus make a positive contribution to amenity. No details have been supplied with the appeal in respect to any foundation works for the proposed development, nor an arboricultural impact assessment (AIA) in respect to potential impacts on these trees. Given the proximity of the proposal to the existing trees, there would be potential for their root protection areas to be impacted. Furthermore, no evidence has been submitted with the appeal to indicate whether the retention and protection of these trees during construction would be possible.
13. In the absence of any evidence highlighting that the trees could be protected and retained or any information to the contrary, I must adopt a precautionary approach. As no suitable evidence has been presented, I find that it has not been demonstrated that the development could proceed without harm to the surrounding trees which contribute to the character and visual amenity of the area.
14. The appellant considers that the use of appropriate conditions could protect and retain the trees. However, without a suitable AIA, I am not persuaded that the imposition of a condition would mitigate the likelihood of harm to the character and appearance of the area, arising from the development's effect on trees in the longer term.
15. For the reasons above, the proposal would have an unacceptable effect on the health and life expectancy of the trees and would not compliment the qualities of the surrounding area or respect the important landscape features and would harm the character and appearance. Accordingly, the proposal would be contrary to EFLP Policies DM4 and DM9 which collectively seek to secure high quality development in the Borough, which makes a positive contribution to the distinctive character and amenity of the area, whilst also retaining and protecting existing trees, landscapes and habitats, amongst other things. The proposal would also conflict with the Framework insofar as it requires development to be sympathetic to local character and seeks to safeguard significant trees due to their contribution to character and quality of urban environments. However, I do not find conflict with EFLP Policy SP3 which is a more strategic policy, concerned with the garden communities in Harlow and Gilston Garden Town, which are largely irrelevant to this proposal.

Other considerations

16. As set out above, the development would be harmful to the openness of the Green Belt and constitutes inappropriate development, harm which carries

substantial weight. The Framework is clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

17. The appellant highlights that no objections have been received from neighbouring residents on the proposal. They also indicate that the proposal would provide the appellant with the ability to park vehicles inside the proposed garage rather than on the forecourt. However, given the existing levels of forecourt hardstanding and areas for off-street parking, the current layout appears to be functional and sufficient to provide an adequate living environment for its occupants. Accordingly, I give these matters limited weight.

Green Belt Balance

18. The proposal is inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The harm to the openness of the Green Belt in this case is at odds with local and national policy to protect the Green Belt. Any harm to the Green Belt is a matter that carries substantial weight. Furthermore, I have also found that the proposal would harm the character and appearance of the area and would have an unacceptable effect on the health and life expectancy of the trees.
19. There are no other considerations which individually or cumulatively would be of sufficient weight therefore to clearly outweigh the harm to the Green Belt. Consequently, very special circumstances to justify the development do not exist. As such, the proposal conflicts with paragraph 148 of the Framework.

Conclusion

20. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR