



Appeal Decisions

Site visit made on 9 January 2024

by Philip Mileham BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal A Ref: APP/J1535/W/23/3322994

The Pillars, Tysea Hill, Stapleford Abbots, ROMFORD, RM4 1JU

- 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 Perry Ayles of Vision Twenty Developments Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/0311/23, dated 13 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is Conversion of former commercial buildings to three dwellings. Demolition of identified remaining buildings and erection of four dwellings.
 - Associated hard and soft landscaping.
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Appeal B Ref: APP/J1535/W/23/3322989

The Pillars, Tysea Hill, Stapleford Abbots, ROMFORD, RM4 1JU

- 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 Perry Ayles of Vision Twenty Developments Ltd against the decision of Epping Forest District Council.
 - The application Ref EPF/1277/22, dated 30 May 2022, was refused by notice dated 6 December 2022.
 - The development proposed is Conversion of former commercial buildings to three dwellings. Demolition of remaining buildings and erection of five dwellings. Associated hard and soft landscaping.
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Decision

1. **Appeal A** - The appeal is dismissed.
2. **Appeal B** - The appeal is dismissed.

Preliminary Matters

3. As set out above there are two appeals on this site. The proposals differ in terms of the number and layout of the proposed new-build dwellings. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated.
4. The latest Epping Forest District Local Plan Part One was adopted on 6 March 2023 (the EFDLP) after the date that the Council issued the respective decision notices. As a result, the policies of the previous adopted Epping Forest Local Plan (1998) and Alterations (2006) that were cited have now been superseded by the EFDLP.

5. Since the appeal was submitted, the Government has published a revised National Planning Policy Framework in December 2023 ('the Framework') which the parties have had an opportunity to comment upon and I have had regard to in my determination of the appeal.

Main Issues

6. The Council's decision notices identify the same reasons for refusal for both appeals. Therefore, the main issues in both appeal A and B are:
 - Whether or not the proposal would be inappropriate development in the Green Belt;
 - The effect of the proposal on the openness of the Green Belt;
 - Whether the proposed development is in a suitable location for new residential development; and
 - If the proposal is inappropriate development, whether or not there are any other considerations which clearly outweigh the harm by reason of inappropriateness, and any other harm, so as to amount to the very special circumstances necessary to allow the development.

Reasons

Inappropriate Development

7. The appeal site comprises of a number of outbuildings, along with two glasshouses. The site is adjacent to the property known as 'The Pillars' which is a large detached two-storey dwelling. Adjacent to The Pillars are two further residential properties which are set back from the road frontage and have considerable spacing in-between. The site is bordered by mature hedging with some close-boarded fencing present along with a number of mature trees.
8. There is no dispute between the main parties in respect of the proposed conversion element of each of the appeal proposals. Paragraph 154(c) of the Framework allows for the alteration of a building provided it does not result in disproportionate additions over and above the site of the original building. Paragraph 155(d) allows for the reuse of buildings provided they are of permanent and substantial construction. Both appeal proposals include the conversion of former commercial buildings (referred to as plots 1,2 and 3) into residential dwellings. The existing commercial buildings would retain their existing form with the exception of plot 1, where the demolition of a lean-to to the western elevation is proposed to allow for the insertion of additional windows. The existing outbuildings are of permanent and substantial construction, and as a result, I find that the conversion elements of both proposals would accord with paragraph 155(d) of the Framework.
9. Both proposals also seek to erect either 4 or 5 new dwellings to the rear of the site. In doing so, the appellant states that both appeals would result in the reuse of previously-developed land. Paragraph 154(g) of the Framework states that the partial or complete redevelopment of previously-developed land is not inappropriate development in the Green Belt. However, any new buildings must not have a greater impact on openness than the existing development or not cause substantial harm to openness where the development would contribute to meeting affordable housing need of the Local Planning Authority.

10. Although the existing glasshouses would be replaced, the proposed dwellings would, in both instances, be both taller and have a greater volume than the buildings they replace. The proposed new residential dwellings in both appeals would therefore have a greater impact on openness than the existing development. Furthermore, neither appeal would provide any affordable housing and therefore both appeals fail to meet the criteria under paragraph 154(g) of the Framework.
11. I therefore conclude that the proposal in both appeals would represent inappropriate development for the purposes of the Framework and Policy DM4 of the EFDLP. Inappropriate development is harmful by definition, and in accordance with paragraph 152 of the Framework, should not be approved except in very special circumstances.

Openness

12. Paragraph 142 of the Framework indicates that it is a fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
13. In addition to the conversion of existing outbuildings (plots 1, 2 and 3), the appeal proposals respectively seek to erect either 4 detached dwellings in a cluster or in the case of the proposed 5 new dwellings, in a linear arrangement along the access road. There is some screening of the rear of the site and the western hedge boundary contains some gaps which allow longer views into and out of the site. The proposed new build dwellings would, in both appeals, be partially visible from Tysea Hill where gaps in hedging along the roadside allow for longer views of the site across the field to the west. The plans indicate that in both appeals an approximately 1.8 metre-high close boarded fence would be erected along the eastern boundary of the site. However, the proposed new-build dwellings would be significantly taller than the buildings and structures that are currently located on this part of the site including the glasshouses.
14. The 4 new build dwellings in Appeal A would be of a larger footprint than Appeal B albeit would not extend new development to the full depth of the appeal site. Nonetheless, the four new-build dwellings and their arrangement in a courtyard style layout would result in a bulkier form of development with a more consolidated residential character. The 5 new-build dwellings in Appeal B would be sited up to the northern boundary, projecting a linear residential development into part of the site where there are currently fewer structures. The new build dwellings would in both appeals, project a taller and bulkier form of development than the existing glasshouses further into the site or across its width. This would result in a significant change in the extent of buildings on site, decreasing the sense of openness.
15. In light of the above, both proposals would be bulkier than existing buildings and structures and would result in a residential character and appearance to the rear of the site. The proposals would extend new residential development further into the site, resulting in the encroachment of built development into the Green Belt. As a result, both proposals would cause substantial harm to the openness of the Green Belt.

Suitable location

16. The appeal site is located along Tysea Hill which is away from the built-up part of the village of Stapleford Abbotts and located outside of the defined settlement boundary. Policy SP1 of the EFDLP sets out the spatial strategy for the area and indicates that new homes in the District will be permitted within settlement boundaries. As a result of both proposals being located outside of the defined settlement boundary, they would fail to accord with the requirements of the policy.
17. The nearest shop is located around 800 metres away according to the Council's measurements. The appellant identifies that there is no footpath within around 300 metres of the site, and furthermore, there is no cycleway or streetlighting present in the immediate vicinity. There is no evidence before me of the distance to the nearest bus stop albeit the nearest rail station is around 2 kilometres from the site. As a result, future occupiers of both proposals would have limited opportunities to access services and facilities by public transport. Due to the lack of footpaths or cycleways and the absence of streetlighting, opportunities for walking or cycling to access day-to-day services and facilities would be unattractive, particularly outside daylight hours.
18. Due to the lack of services and facilities in close proximity to the site, and the limited public transport opportunities, future occupiers of the proposed dwellings would require the use of private vehicles to gain access to services and facilities necessary for day-to-day living. The appellant has provided a trip generation assessment which indicates that the proposals would result in an increase in traffic levels above the existing use of the site. Both proposals would generate additional vehicle trips over and above the existing use of the site. Whilst the increase in trips may be limited, over time these would cumulatively result in a significant number of additional private vehicle movements.
19. I therefore conclude that both proposals would not be in a suitable location for new residential development. They would fail to accord with Policies SP1, SP2 and T1 of the EFDLP which seek to, amongst other things, support development within settlement boundaries, provide for sustainable movement and access to local and strategic destinations (including rail, bus, walking and cycling) and minimise the need to travel. The proposals would also fail to accord with paragraph 83 of the Framework which seeks for housing to be located where it will enhance or maintain the vitality of rural communities.

Other considerations

20. Paragraph 153 of the Framework indicates that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.
21. The provision of either 7 or 8 new dwellings would result in economic benefits arising from jobs created during construction and in the accompanying materials supply-chain. Social benefits would arise from future occupants utilising services and facilities in nearby settlements. There would also be environmental benefits through additional gardens created resulting in some biodiversity enhancement. However, the provision of outdoor space would be expected of dwellings of the scale set out in both appeals. Furthermore, the benefits associated with job creation and in the supply chain would be temporary during the construction period. Due to the scale of the proposals,

- the social and environmental benefits would be modest and are therefore afforded limited weight.
22. The appeal proposals would make a positive contribution towards housing need in the area through the provision of new dwellings. As 7 or 8 dwellings would be created including the conversion of the existing buildings, they are afforded moderate weight in my decision.
23. As set out above, the cumulative number of additional vehicle trips generated by both proposals, would over time, be significant. As such, this is factor that does not attract positive weight.
24. The appellant has indicated that both proposals would make use of previously-developed land. Paragraph 124 of the Framework supports the use of suitable brownfield land within settlements for homes, although both appeals would be located outside of any defined settlements.
25. Both of the appeal proposals would replace two glasshouses on the site, and Appeal B would also result in the removal of outbuildings located towards the northern boundary of the site. As a result, the appellant has indicated that there would be a reduction in built footprint on site. Whilst the appeal proposals would result in some reduction in overall footprint, the appellant has indicated that there would be an increase in overall building volume. The extent of the proposed new-build dwellings would result in the consolidation and increase in the volume of built-development on site. It would consequently fail to keep land in the Green Belt permanently open.
26. My attention has been drawn to a nearby scheme at Woodlands Farm, Stapleford Abbots for the development of 9 new dwellings which has been approved by the Council. In that case, the Council considered the volume of the proposal would be less than the existing development and that the layout would ensure the openness of the Green Belt is maintained. As set out above, I consider the effects on openness in both appeals to be harmful and the volume of development greater in both cases. As such, the circumstances are not directly comparable and therefore this is of limited weight in my decision.
27. My attention has also been drawn to two linked appeal decisions (References APP/J1535/C/21/3270539 and APP/J1535/W/21/3270395). These appeal proposals relate to development for gypsy and traveller pitches. In those cases, the Inspector afforded the location of the site and consideration of access to services modest weight. However, the Inspector in those appeals also found that other circumstances outweighed harm to the Green Belt, including amongst other things, affording substantial weight to the best interests of a child. Therefore, whilst those appeals dealt with the location of development, the circumstances that led to the allowing of those appeals are different from those before me and are therefore of limited weight.
28. The Council's decision notices cite the potential effect on the integrity of the Epping Forest Special Area of Conservation (SAC) in each of their respective reasons for refusal. Unilateral Undertakings between the appellant and the Council have been provided which would provide contributions towards established mitigation measures to avoid harm. However, although the appellant would be making contributions, the avoidance of harm to designated sites would be expected of development and therefore attracts neutral weight in the overall planning balance.

29. Both appeal proposals would result in inappropriate development in the Green Belt. They would also be harmful to the openness of the Green Belt and result in a reliance upon use of the private car due to their location and distance from services and facilities. Although there would be benefits from both schemes, including the reuse of previously developed land and the provision of new homes in the area, these other considerations are not sufficient to clearly outweigh the harm identified above. Consequently, the very special circumstances necessary to approve the developments do not exist.
30. Both proposals would also fail to accord with the Development Plan when read as a whole and fail to accord with the provisions of the Framework. Therefore, there are no other justifications for allowing the appeals.

Conclusion

31. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeals should be dismissed.

Philip Mileham

INSPECTOR