
Appeal Decision

Site visit made on 1 February 2024

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2024

Appeal Ref: APP/N1540/W/23/3322134

Gates of Harlow, Edinburgh Way, Harlow CM20 2EG

- 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 Martin Cottenden (Gates Group Ltd) against the decision of Harlow District Council.
 - The application Ref HW/FUL/22/00267, dated 13 June 2022, was refused by notice dated 23 November 2022.
 - The development proposed is construction of car park in vacant land for use by adjoining car dealership. With associated biodiversity enhancement.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken into account the revised version of the National Planning Policy Framework ('the Framework') published in December 2023. While there have been changes to paragraph numbers since the previous iteration, the parts of the Framework most relevant in this case have not significantly changed. I am satisfied, therefore, that the revised version of the Framework does not raise new considerations necessitating further submissions from the parties.
3. During the appeal process, the Council confirmed that their first refusal reason had referred to conflict with Policy WE5 (Heritage) of the Harlow Local Development Plan (HLDP) in error. The Council, instead, refers to conflict with HLDP Policy WE2 (Green Belt, Wedges and Green Fingers) within its appeal submissions. The appellant addresses Policy WE2 fully within their submissions. I am therefore satisfied that no party would be prejudiced by my consideration of the Council's submissions regarding Policy WE2 and I have determined the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the roles and functions of the Green Wedge; and on existing trees.

Reasons

Green Wedge

5. The appeal relates to an undeveloped triangular parcel of land located between the A414 to the south-east and a commercial employment zone to the north and west. The site is predominantly rough grass and rises to the south-west. A

steeply rising highways verge including many mature trees separates the site from the A414. A residential area is located to the south-east of the A414. This residential area is separated from the A414 by an area of rising landscaping containing both wooded and open grassed areas.

6. The site, and the landscaped areas to the south and east, are located within the northernmost part of a Green Wedge as designated on the Policies Map for the HLDP. As stated within the supporting text to HLDP Policy PL5, Green Wedges are fundamental to the character of Harlow, representing an enduring legacy of Sir Frederick Gibberd's original master plan. The Green Wedge within which the appeal site is situated runs for a substantial distance, extending through the town from the countryside at the southern edge of Harlow all the way to the northern part of town.
7. The site is visible from the public pavement on the western side of the A414, with filtered views through trees adjacent to the site, and clear views when approaching the site from the north. The site contributes positively to the attractive spacious and verdant character of the Green Wedge, providing green relief and physical separation between the residential area to the east and the commercial area to the west. The views across the site provide visual perception of the site as part of the wider Green Wedge and allow an appreciation of the physical separation of the nearby residential and commercial areas. Together with the landscaped areas to the south and east, the largely open and undeveloped character of the application site thereby contributes positively to identified roles of the Green Wedge.
8. The development of a car park would have an urbanising effect upon the site, and the presence of parked cars would be detrimental to the openness and verdant character of the Green Wedge. Whilst the use of grass paving, and the provision of additional planting along the boundaries and within the site, would reduce the visual intrusion of the development, these measures would not wholly mitigate the harm to the Green Wedge. Given the higher level of the A414 and its extensive verge outside the control of the appellant, the additional native planting proposed would not fully screen views of the parked cars, particularly during the winter. If dense evergreen planting were to be used to screen the car park, it would appear incongruous in the landscape and would limit the visual perception of the site as an undeveloped part of the wider Green Wedge.
9. As such, I am not persuaded that implementation of a landscaping scheme secured by condition would ameliorate harm to the Green Wedge. The development would harmfully reduce the physical and visual separation of the residential area to the east and the commercial area to the west.
10. Whilst I have had regard to the appellant's Green Wedge Assessment, the purpose of the local plan is to set the strategy so that decision-makers can follow it without having to onerously reassess the merits of the strategy. My site-specific assessment finds that the site contributes positively to the Green Wedge and is clearly visible from the public highway. I am not persuaded by the appellant's Green Wedge Assessment, therefore, that the site does not meet the criteria of a Green Wedge, or that any policy conflict with HLDP Policies PL5 and WE2 should carry reduced weight.
11. As such, the proposal would fail to preserve, enhance, and not adversely affect the roles of the Green Wedge contrary to HLDP Policies PL5 and WE2. These

policies, amongst other things, seek to protect Green Wedges from inappropriate development to ensure they continue to perform their identified important roles, including providing physical, and visual separation between residential and industrial areas; and protecting existing uses that have an open character.

12. I have had regard to the parties' disagreement as to whether the development should be categorised as 'small-scale development' as referred to within part (a) of Policy PL5. I have also had regard to the parties' disagreement as to whether the proposal should be regarded as 'local transport infrastructure' as required by part (b) of Policy PL5. However, given the above identified conflict with the roles of the Green Wedge, it is not necessary for me to come to a view on these specific matters.

Trees

13. The appellant's Arboricultural Impact Assessment (AIA) includes a Tree Protection Plan and Heads of Terms Method Statement. Whilst the proposed layout shown within the AIA relates to an earlier planning application, the variation in layout is relatively minor in relation to its impact on trees. The AIA continues, therefore, to provide substantive evidence that, subject to the imposition of appropriate conditions to control works within relevant root protection areas, the development would not unduly harm the existing trees within and adjacent to the site. No substantive evidence has been provided by the Council to the contrary.
14. The proposals also include significant additional tree, hedgerow and shrub planting. The details of that planting could be secured by an appropriate landscaping condition.
15. The development would not, therefore, result in harm to, or loss of, existing trees of value and accords with HLDP Policies PL1, PL7 and PL8 in this specific regard. These policies, amongst other things, require developments to ensure that trees and hedges are protected.

Planning Balance

16. I note that the additional car parking would support the operations of an existing business, supporting employment in the local area. A strategic objective of the HLDP is to secure the economic revitalisation of Harlow and the development would make a positive contribution to that objective. Additionally, the Framework requires planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Significant weight is therefore given to the economic benefits of the development.
17. The appellant's submissions indicate that the proposals would deliver a biodiversity net gain (BNG) on the site of over 25%. This figure is not disputed by the Council. I see no reason to doubt that achieving this BNG is realistic given the landscaping and habitat creation proposed. The BNG could be secured by a planning condition and represents a benefit of moderate weight.
18. Weighing against these benefits would be the above identified harms to the Green Wedge and the conflict with HLDP Policies PL5 and WE2. Given Green Wedges are fundamental to the character of Harlow, substantial weight is given to the identified harm. Additionally, significant weight is given to the

importance of the plan-led system in the consistency of decision making, such that cumulatively the strategic intent of the development plan is maintained.

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan, unless material considerations, including the Framework, indicate otherwise. Overall, I do not consider that the benefits of the proposal would be sufficient to outweigh the harms identified. The proposal would conflict with the development plan when read as a whole and there are no other considerations that outweigh this identified conflict.

Conclusion

20. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR