



Appeal Decision

Site visit made on 5 March 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2024

Appeal Ref: APP/J1535/W/23/3324427

Mossford Green Nursery, Abridge Road, Theydon Bois, Epping CM16 7NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Owen Rowland against the decision of Epping Forest District Council.
 - The application Ref is EPF/2461/22.
 - The development proposed is described as 'demolition of existing buildings, erection of replacement dwelling and 5no. new dwellings (reduction following refusal EPF/3379/18)'.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Owen Rowland against Epping Forest Council. This application is the subject of a separate decision.

Preliminary Matters

3. Following the Council's decision, the Epping Forest District Local Plan 2011-2033 Part One (the Local Plan) has been adopted and therefore the Local Plan and Alterations policies cited in the decision notice are superseded. Additionally, the Government has published a revised National Planning Policy Framework (the Framework). I am required to consider the appeal in the context of such current local and national policy, and I am satisfied that no parties would be prejudiced by me doing so.
4. Where reference is made in this decision to the Framework, paragraph numbers are taken from the latest version.

Main Issues

5. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; and
 - Whether the appeal site is a suitable location for the development proposed, having regard to accessibility to job opportunities, facilities and services.

Reasons

Inappropriate development

6. The appeal site is located within the Metropolitan Green Belt. Paragraph 154 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate subject to several identified exceptions. One such exception, at paragraph 154(g)(i), allows for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. Local Plan Policy DM4 addressing Green Belt development is consistent with the Framework.
7. The main parties agree that the site is previously developed land. Based on the information before me I have reached the same finding. Thus, my conclusions as to the effect on openness will determine whether the proposal is inappropriate development.
8. The proposal would result in a reduction in the volume of built form. Also, due to the existing buildings and the storage of campers and caravans on the appeal site, it does not contribute to the openness of the Green Belt. Consequently, the proposal would not have a greater impact on the openness of the Green Belt than the existing development, notwithstanding the height of the dwellings, the proposed increase in the number of buildings and the inevitable increase in domestic paraphernalia. Furthermore, the plot sizes and the scale and height of the proposed dwellings would be broadly reflective of the varied character of the area.
9. I therefore conclude that the proposal is not inappropriate development in the Green Belt and would accord with Local Plan Policy DM4 and the Framework in this regard.
10. Local Plan Policies SP6, SP7, DM1, DM3, DM4, DM9 and DM10 have also been referenced in the first reason for refusal. However, these policies do not specifically relate to development in the Green Belt and are not, therefore, relevant to this main issue.

Suitable location

11. Local Plan Policy SP1 sets out the spatial strategy for the area and indicates that new homes will be delivered by permitting development proposals within the defined settlement boundaries. As the proposal is located outside of such defined settlement boundaries, it fails to accord with the requirements of the policy.
12. Abridge and Theydon Bois are the nearest settlements to the appeal site and are accessed along an unlit road, that is, for much of the route, subject to the national speed limit and without a footway, albeit there is a wide verge. As a result it is unlikely that the occupants of the proposal would walk to the facilities, services and employment opportunities such settlements provide, particularly during times of darkness and inclement weather. The speed of vehicles along the route is also likely to be off-putting for all but the most competent and confident cyclists, notwithstanding the width of the carriageway. Furthermore, I have not been provided with any substantive evidence that the bus services available to the occupants of the proposal would

be at times that they would offer a realistic alternative mode of transport, even if bus stops were provided nearby.

13. Consequently, the future occupants of the new dwellings would be highly dependent on the use of private cars for most of their day-to-day needs. Therefore, even if I were to accept that the proposal would result in comparable or fewer vehicle movements than the existing uses on the site, I do not consider that the proposal represents accessible development in the countryside.
14. In addition, given the accessibility concerns set out above, I consider that any support that the proposal would give to services in nearby settlements would be minimal. Therefore, it would not enhance or maintain the vitality of rural communities contrary to paragraph 83 of the Framework. It would also not accord with Local Plan Policy SP2 which seeks to ensure positive integration and connection with communities, thereby contributing to the revitalisation of existing neighbourhoods.
15. As such, I find that the site is not suitable for the development proposed having regard to accessibility to job opportunities, facilities, and services, contrary to Local Plan Policies SP1 and SP2, and to the Framework. It is also contrary to Local Plan Policy T1, which requires that development minimises the need to travel.

Other considerations

16. My attention has been drawn to other residential developments in the locality which I viewed on my site visit and noted that they are outside of any identified settlement boundary. However, as I do not have full details of such schemes, I cannot be certain that the circumstances which led to their approval are the same as the proposal before me. Accordingly, I have determined this appeal on its merits, based on the site-specific circumstances of the case.
17. The 2022 Housing Delivery Test results show a measurement of 30% for Epping Forest. Therefore, paragraph 11d) of the Framework indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole. As the percentage for Epping Forest is considerably below 75% of the requirement for the delivery of housing over the previous three years, the provision of additional housing in the District is, in general terms, a matter that should be given significant weight.

Planning Balance

18. The adverse impacts arising from the unsuitable location of the development conflicts with Local Plan Policies SP1, SP2 and T1 and, consequently, the proposal would not accord with the development plan. This is a matter that counts significantly against allowing the appeal.
19. The proposal would contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework. The proposal would, however, be poorly related to the settlements identified for growth contrary to the overall strategy for the pattern of development set out in the recently adopted Local Plan and to the expectations of the Framework. I therefore attribute moderate weight to the modest positive impact of the proposal on total housing supply.

20. Any reduction in the number of vehicular movements from the site that may arise is tempered by the dependency of the occupants on the use of private cars for most of their day-to-day needs. As such this only carries limited weight in favour of the proposal.
21. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, so the proposal does not benefit from the presumption in favour of sustainable development as set out at paragraph 11d) of the Framework.
22. A unilateral undertaking has been provided offering contribution towards mitigation measures to avoid adverse impacts on the Epping Forest Special Area of Conservation. However, as the appeal is to be dismissed, there is no need for further consideration to be given to this or to the provisions of the Conservation of Habitats and Species Regulations 2017.

Conclusion

23. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
24. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR