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# Appeal Decision

Site visit made on 22 October 2024

**by Philip Mileham BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 November 2024**

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**Appeal Ref: APP/J1535/W/24/3341661**

**Front Site, Former Grange Farm, High Road, Chigwell, IG7 6DR**

- 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 London Square Developments against the decision of Epping Forest District Council.
  - The application Ref is EPF/2109/22.
  - The development proposed is described as the redevelopment to provide residential dwellings with associated amenity space, landscaping, car and cycle parking.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Since the appeal was lodged, a signed Section 106 Planning Obligation has been submitted which includes obligations towards affordable housing, air pollution mitigation, healthcare, open space, recreation and monitoring. These matters were previously in dispute but these matters have been resolved by the submission of the legal agreement. As a result, the Council's fifth reason for refusal on the decision notice has been addressed and is not a main issue but dealt with elsewhere in my decision.
3. The Council's decision notice refers to the effect of the proposal on the setting of the Chigwell Conservation Area (CA). However, the proposal would also be located adjacent a Grade II Listed Building known as 'Christies'. As a result, following consultation with the main parties addressed the effects of the proposal on the setting of the Listed Building as part of my decision.
4. Since the Council issued its decision notice, the Government has published a revised National Planning Policy Framework (the Framework) in December 2023. As a result, I have had regard to the latest iteration of the Framework in reaching my decision.

## Main Issues

5. The main issues 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;
  - The effect of the proposed development on the character and appearance of the area;

- Whether the proposed development would affect the setting of 'Christies' a Grade II Listed Building, and the setting of the Chigwell Conservation Area;
- Whether the proposed development with local policies having regard to parking provision.
- 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**

### *Whether inappropriate development*

6. The appeal site comprises a large area of hardstanding with trees to the south-western and northern borders. There are a number of temporary buildings on site but the appellant has indicated there are no permanent buildings or structures on the site. There is no dispute between the parties that the site is previously-developed land and this is confirmed by the inclusion of the site on the Council's Brownfield Lane Register.
7. Paragraph 154 of the National Planning Policy Framework (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.
8. The appeal development would replace the hardstanding with a mix of houses and three blocks of flats. In this case, the proposed development would be significantly taller, and have a greater volume than what is currently found on site. Residential development would also extend significantly further across the site than the hardstanding resulting in a significantly greater impact on openness than the existing development on site.
9. The submitted Planning Obligation would provide a financial contribution towards affordable housing. Therefore, the proposal would make a contribution towards meeting the identified need for affordable housing in the area that the second bullet of Paragraph 154(g) of the Framework requires. However, notwithstanding the contribution to affordable housing, due to the impact of the proposal on the openness of the Green Belt, I find that the proposal would fail to meet the criteria for exemption at paragraph 154(g) of the Framework.
10. I therefore conclude that the proposal would represent inappropriate development for the purposes of the Framework and Policy DM4 of the Epping Forest District Local Plan (2023) ('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*

11. 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.

12. The existing built development on site comprises an area of hardstanding and is currently bound by hoarding. Although the site includes hardstanding, there are no built structures on site. The proposed new dwellings would be significant in excess of the height and volume of the existing hardstanding leading to a substantially taller and bulkier form of development.
13. The footprint of the proposed development would also extend beyond the existing hardstanding on the site. Although the northern extent of the site would remain undeveloped, overall, the proposal would be significantly more visible than the existing hardstanding particularly from High Road and Grange Farm Road. This would result in a significant change in the extent of development on site, reducing the sense of openness that is currently experienced on site.
14. The appellant has drawn my attention to the lawful use of the site for storage. However, even if additional storage activities were to take place on the site, the absence of permanent structures on the site nonetheless results in the appeal proposal being more visible than the existing hardstanding.
15. In light of the above, the proposal would be taller and bulkier than the existing hardstanding on site. As a result, the proposal would cause substantial harm to the openness of the Green Belt.

#### *Character and appearance*

16. The appeal site is located adjacent a roundabout which is a key gateway location on High Road. The proposed detached houses and flat Block A would be sited in a broadly linear alignment to the properties in Bramble Close. Block A would be significantly wider than the detached dwellings and consequently, would have a significantly bulky side elevation compared to the proposed detached dwellings, with the rear elevation having little fenestration. Furthermore, Block A would also have a significant expanse of roof plane with a steep pitch which would also appear particularly bulky when viewed against the dwellings to its north.
17. Blocks of flats B and C would also have side elevations of significant width and would appear particularly bulky when viewed against the proposed detached dwellings. Furthermore, Blocks B and C would be sited close to each other, and as a result, would appear cramped at the southern part of the site. These blocks of flats would appear particularly prominent in the street scene, particularly from passing views when travelling in a southerly direction along High Road. Furthermore, the limited separation between the flats would be viewed in stark contrast to the more spacious siting of nearby dwellings at No. 75 and Grange Cottage resulting in an overly urban character to the southern part of the site.
18. The southern boundary of the site is bordered by mature trees and vegetation. However, the northern boundary of the site would have much more limited landscaping according to the plans and therefore be more open. The proposed landscaping to the south-eastern boundary of the site would take a significant time to mature and would not be sufficient to screen the bulk of the flats. As such, the concentration of particularly bulky development to the southern

extent of the site would result in a harmful transition to the more spacious built development to the north along High Road.

19. As a result of the above, the proposal would have a harmful effect on the character and appearance of the area, contrary to Policies SP2, DM9 and DM10 of the EFDLP which state that development should ensure positive integration and connection with adjacent rural communities, relate positively to their context and have regard to the form, scale and massing around the site.

#### *Setting of Heritage Assets*

20. The Chigwell Conservation Area (CA) is designated for the protection of the large number of traditional historic buildings and their settings and is focussed on the historic core of the village which provides the key townscape space.
21. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving the building or its setting, to which I attached considerable importance and weight.
22. The CA is located to the south of the appeal site and would be separated from the proposed development by the access road leading to Bramble Close. Whilst this would provide some separation from the CA, the scale and bulk of the proposed flats to the south of the site in close proximity to the CA boundary would result in a distinctly urban form of development in an area where the properties within this part of the CA are more sporadic. However, the extent of mature trees and vegetation along the boundary of the site, Bramble Close and along the border of 'Christies', would serve to limit views between the CA and the appeal proposal. This would mitigate the visual effect of the more urban form of development on the appeal site. As a result, it would preserve the setting of the CA.
23. To the south of the appeal site is a property known as 'Christies' a Grade II Listed dwelling which, according to the listing description was originally constructed as a pair of semi-detached properties. The significance of Christies is defined by its detailing and rarity. Christies also has a spacious curtilage which provides a transition between the properties to the south of High Road and No.75 High Road which have a more open and spacious character.
24. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I attached considerable importance and weight.
25. Due to the extent of vegetation along the border of Christies, this would mitigate the effect of views between the site and the Listed Building. As a result, it would preserve the setting of the Listed Building.
26. For the reasons given above, the proposal would also preserve the character or appearance of the CA.

#### *Parking*

27. The appeal proposal would be located in close proximity to a roundabout on High Road which was moderately busy with traffic at the time of my visit.

Adjacent to the site is Bramble Close where parking is restricted for non-residents. To the north-east of the site is Grange Farm Lane.

28. Although the proposal is in close proximity to a nearby school, the site is a significant distance away from shops and services and Chigwell underground station. As a result, journeys to and from the underground station and local shops and services are unlikely to be routinely undertaken by non-vehicular modes.
29. The proposal would include a total of 24 parking spaces. However, Policy T1 of the EFDLP refers to the Essex County Council Parking standards which requires a total of 32 spaces for a development of this number of dwellings (28 for residents and 4 for visitors).
30. Whilst I have found no clear evidence of parking stress in the locality, the appeal site is located directly on a roundabout. Without sufficient parking spaces, even a modest amount of overspill parking from the appeal proposal parking either on High Road or Grange Farm Lane could result in harm to highway safety due to the presence of parked cars.
31. The proposal would result in the under-provision of parking spaces provided. The distance of the proposal from services and facilities would inevitably result in future occupiers needing to make vehicle trips to access services and facilities. Therefore, future occupiers would be likely to require private vehicles. As such, there is insufficient justification for a reduction in the amount of parking spaces to be provided. Policy T2 of the EFDLP deals with the safeguarding of routes and facilities and does not relate to parking provision and is therefore not of direct relevance in this instance.
32. Therefore, in light of the above, I find that the proposal would fail to accord with local policies for parking. It would therefore conflict with Policy T1 of the EFDLP which requires that appropriate parking is provided on new developments in terms of the amount provided.

#### *Other considerations*

33. The appeal site has been included on the Council's Brownfield Land Register and there is no disagreement between the parties that the site is brownfield. However, whilst inclusion on the register does consider whether residential development may be acceptable, it does not imply compliance with the policies of the Development Plan as a whole or the Framework.
34. The Council has provided an update to its Housing Delivery Test calculation which now demonstrates that 105% of the housing requirement has been built over the period 2019-22. As such, there was no shortfall of housing delivery during this period.
35. The proposed development would result in economic benefits by supporting construction jobs and in the accompanying materials supply chain. Social benefits would arise as a result of future occupiers utilising local services and facilities. The proposal would also result in the contribution of 14 dwellings towards meeting housing needs in the area.
36. The submitted legal agreement includes obligations towards affordable housing, air pollution mitigation, healthcare, open space, recreation and

monitoring. However, these matters would be required by the policies of the Development Plan for a scheme of this size on any event.

37. The appeal proposal would result in inappropriate development in the Green Belt. It would also be harmful to the openness of the Green Belt and would result in harm to the character and appearance of the area. Although there would be benefits from the scheme, 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 development do not exist.
38. The proposal 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 appeal.

### **Conclusion**

39. For the reasons given above the appeal should be dismissed.

*Philip Mileham*

INSPECTOR