



Appeal Decision

Site visit made on 17 March 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/J1535/W/24/3348676

Oaklee Farm, Manor Road, Lambourne, Romford RM4 1NB

- 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 & Mrs Lee against the decision of Epping Forest District Council.
 - The application Ref is EPF/0106/24.
 - The development proposed is to remove all existing structures, hardstanding, compound boundary fencing and material stores and construct 1no. carbon zero high quality two bedroom detached contemporary dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to remove all existing structures, hardstanding, compound boundary fencing and material stores and construct 1no. carbon zero high quality two bedroom detached contemporary dwelling at Oaklee Farm, Manor Road, Lambourne, Romford RM4 1NB in accordance with the terms of the application, Ref EPF/0106/24, subject to the conditions in the attached Schedule.

Preliminary Matters

2. A Unilateral Undertaking (UU) dated 9 July 2024 has been submitted to secure a financial contribution to mitigate the effect of the development on the Epping Forest Special Area of Conservation (EFSAC). The Council considers the legal agreement addresses its second reason for refusal and has advised that that reason for refusal is no longer contested. The appeal will be determined on this basis, and I shall return to the legal agreement later in my decision.
3. The revised National Planning Policy Framework (the Framework) was published in December 2024. The revised Framework is a material consideration which should be taken into account from the day of publication. Having considered the revisions and in light of the principles of natural justice, the parties have been provided with an opportunity to comment on the revised Framework.

Main Issues

4. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the Framework;
 - the effect of the proposed development on the integrity of the Epping Forest Special Area of Conservation; and

- if it is inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. The Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
6. The appeal site comprises a compound and an access track leading from Manor Road. The site is part of a larger parcel of land, which includes the existing dwelling at Oaklee Farm. The compound is partly enclosed by fencing and planting and includes a number of structures with materials stored on a hardstanding. The site is within an undulating landscape, including open fields with mature trees to the boundaries. The proposal is for a detached dwelling located within the position of the existing compound.
7. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One 2023 (LP) explains that within the Green Belt permission will not be granted for inappropriate development, except in very special circumstances, in accordance with the Framework. It then goes on to list exceptions to inappropriate development similar to those set out in a previous iteration of the Framework. However, as it pre-dates the latest Framework, it does not include the revised provisions of Paragraph 154, so is not fully consistent with it.
8. Paragraph 154 of the Framework states that development in the Green Belt is inappropriate. An exception to this includes the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. There is no dispute that the proposal would constitute a redevelopment of previously developed land.
9. The proposed dwelling would have a low profile within the site and would have a lower overall height above ground level than the existing fencing enclosing the compound. The built form of the dwelling would be wholly contained within the confines of the compound, but would introduce a permanent building. While the limited height of the dwelling and its position within a depression would restrict the effect on the visual openness of the Green Belt at the site, the proposal would have a greater and more adverse spatial impact on the openness of the Green Belt.
10. The dwelling would cause harm to the openness of the Green Belt, primarily through the reduction in the spatial openness. Nevertheless, given the compact scale of the dwelling and its low profile within the wider landscape, the level of harm that would be caused to the visual openness of the Green Belt would be restricted. On this basis, while the proposal would lead to an increase in built form at the site, the effect on the openness of the Green Belt would not be of a level of severity to cause substantial harm.

11. Therefore, the proposed development is not inappropriate development, as per Paragraph 154 g) of the Framework. Consequently, very special circumstances do not need to be demonstrated for the proposal to be considered acceptable in Green Belt terms. Accordingly, while the proposal conflicts with Policy DM4 of the LP, the scheme accords with the revised Framework, which seeks to protect the Green Belt from harm.

EFSAC

12. The EFSAC is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). The Habitat Regulations requires me as the decision maker to undertake an Appropriate Assessment where there are likely significant effects from the proposal, either alone or in combination with other plans or projects, on the integrity of the sites. Permission may only be granted after having ascertained that the proposed development would not affect the European site's integrity.
13. The EFSAC is designated for three habitats – Northern Atlantic wet heaths, European dry heaths, and Atlantic acidophilous beech forests – and the Stag Beetle. Epping Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland, and scattered wetland. The woodland represents one of the largest continuous semi-natural blocks in the country, characterised by groves of over-mature pollards. The plains contain a variety of unimproved acid grasslands uncommon elsewhere in Essex and the London Area.
14. The pathways of impact are disturbance from recreational activities from new residents, and atmospheric pollution including ammonia and oxides of nitrogen resulting from increased nearby traffic and the age and mix of those vehicle types. The site is within the 0-6.2 km Zone of Influence as identified in the Epping Forest Strategic Access Management and Monitoring Strategy 2021 (SAMM). Consequently, the development would result in a likely significant effect on the integrity of the EFSAC as a result of disturbance from recreational activities. In addition, the development has the potential to result in a net increase in traffic using roads through the EFSAC. Accordingly, the proposal would result in a likely significant effect on the integrity of the EFSAC in relation to recreational pressures and atmospheric pollution.
15. The SAMM strategy and the Epping Forest District Green Infrastructure Strategy 2021 provide a strategic, district wide approach to mitigating recreational pressures on the EFSAC through the securing of financial contributions for access management schemes and monitoring proposals. In addition, the Interim Air Pollution Mitigation Strategy 2020 provides a strategic, district wide approach to mitigating air quality impacts on the EFSAC through the imposition of planning conditions and securing of financial contributions for the implementation of strategic mitigation measures and monitoring activities.
16. The Planning Practice Guidance (PPG) indicates that any measures used to inform the decision about the effects on integrity need to be sufficiently secured and likely to work in practice. The appellant has submitted a signed UU, under Section 106 of the Town and Country Planning Act 1990, that would ensure a payment towards the mitigation strategy that is acceptable to the Council. Therefore, taking into consideration the submitted UU which would mitigate the

proposed development, the proposal would not have an adverse effect on the integrity of the EFSAC.

17. Given my duties under the Habitat Regulations, I conclude that the proposal would not have a harmful effect on the EFSAC and would accord with Policy DM2 of the LP, which seek to ensure no adverse effect on the site integrity of the EFSAC.

Conditions

18. Suggested planning conditions have been provided by the Council. I have considered the conditions having regard to the Framework and advice contained in the PPG. I have adjusted the wording of some conditions to improve precision. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
19. A condition requiring details of foul and surface water disposal is required to ensure the development does not increase flood risk on or off site. In addition, a condition in respect of land contamination is necessary given the proposed sensitive use for human occupation. As these conditions would affect the early stages of construction, they need to be discharged prior to the commencement of the development.
20. The quality of the environment would be protected by conditions in respect of external materials, arboricultural matters, hard and soft landscaping, the recommendation of the Preliminary Ecological Appraisal and ensuring that excavated material is removed from the site.
21. Conditions are included to ensure that the development meets sufficient water efficiency and superfast broadband in the interests of securing a sustainable form of development. I have not imposed the electric vehicle charging point condition because this provision is a requirement of the Building Regulations, and the condition is therefore unnecessary.
22. Conditions are included in respect of the construction period, including hours of construction and deliveries and the provision of wheel washing and cleaning facilities, in order to safeguard the living conditions of the occupants of neighbouring properties and in the interests of highway safety.
23. A condition restricting permitted development rights for the approved dwellinghouse is reasonable in this instance to limit the impact on the Green Belt. As development under Class AA is not permitted for houses built after 28 October 2018 this has been omitted from the recommended condition.

Conclusion

24. The appeal proposal would conflict with the development plan as it would not accord with the exceptions to inappropriate development in the Green Belt listed in Policy DM4 of the LP. However, the Framework is a material consideration which in this instance indicates that a decision should be made other than in accordance with the development plan. For the reasons set out above, the appeal is allowed.

J Pearce

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 001 Rev B, 002 Rev C, 003, 301, 302, 304 Rev A, 305 Rev A, 306 Rev A, 307 Rev A, and 308.
- 3) Prior to commencement of the development hereby permitted, details of foul and surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to the first occupation and shall be retained for the lifetime of the development.
- 4) Prior to commencement of the development hereby permitted, an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced) shall be undertaken. If any contamination is found, then the site shall be remediated. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. Confirmation of compliance with the requirements of this condition shall be submitted in writing to the Local Planning Authority prior to occupation of the development hereby approved.
- 5) Tree protection shall be installed as shown on Trevor Heaps Arboricultural Consultancy Ltd 'Tree Protection Plan' drawing number TH/A3/4245B/TPP (dated 14/03/2024) prior to the commencement of development activities (including any demolition). The methodology for development (including Arboricultural supervision) shall be undertaken in accordance with the submitted Tree Survey/ Arboricultural Method Statement reports.
- 6) If any tree, shrub or hedge shown to be retained in the submitted Arboricultural reports is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within 3 years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within 3 months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within 3 months, be planted at the same place.
- 7) Prior to any above ground works, all material excavated from the below ground works hereby approved shall have been removed from the site.
- 8) Prior to any above ground works, full details of both hard and soft landscape works (including tree planting) and implementation programme (linked to the

development schedule) shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the building or completion of the development, whichever is the sooner. The hard landscaping details shall include, as appropriate, and in addition to details of existing features to be retained: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including signs and lighting and functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, or shrub or plant, that tree, shrub, or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective another tree or shrub, or plant of the same species and size as that originally planted shall be planted at the same place.

- 9) Prior to any above ground works, details and location of the parking spaces (including garages) equipped with active Electric Vehicle Charging Point(s) shall have been submitted to and approved in writing with the Local Planning Authority (LPA). The installation of EVCP shall be completed in accordance with the approved details and made operational prior to first occupation. The details must include the location of active charging infrastructure and specification of charging equipment to be used.
- 10) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the submitted application form and the Design & Access statement.
- 11) Prior to first occupation of the development hereby permitted, the applicant/developer shall ensure the dwelling has been provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.
- 12) Prior to first occupation of the development hereby permitted, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 13) Prior to first occupation of the development hereby permitted, the recommendations set out in the Preliminary Ecological Appraisal by T4 Ecology Ltd (dated July 2020) shall be implemented in full and so retained.
- 14) No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
- 15) Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately

before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.

- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development generally permitted by virtue of Classes A, B & E of Part 1 of schedule 2 shall be undertaken.

End of Schedule