



Appeal Decision

Site visit made on 19 August 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/J1535/W/25/3363783

Land and garages at Whitehills Road, Loughton, Essex IG10 1TS

- 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 D Sumal against the decision of Epping Forest District Council.
 - The application Ref is EPF/0145/25.
 - The development proposed is existing garages enlarged, extended and reduced from 27no. garages to 21no. garages.
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Decision

1. The appeal is allowed and planning permission is granted for erection of 21 no. garages at land and garages at Whitehills Road, Loughton, Essex IG10 1TS in accordance with the terms of the application, Ref EPF/0145/25, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have amended the description of development given on the application form and in the Council's decision notice as this refers to the enlargement and extension of existing garages. However, the formerly existing garages have been demolished and therefore there is nothing to alter or extend. The parties were consulted on this change and no objections were expressed to it. As this does not fundamentally alter what has been proposed, there is no substantial change or procedural unfairness by my altering this description.

Main Issues

3. The main issues are:
 - 1) the effect of the proposed development on the living conditions of the occupants of neighbouring properties having particular regard to 1 Elmores, and
 - 2) the effect of the proposed development on the integrity of the Epping Forest Special Area for Conservation (SAC).

Reasons

Living conditions

4. Whilst it was not expressed explicitly in the Council's decision notice, the Officer's Report explains that the sole objection to the proposal is in relation to the

appearance of the proposed garages when viewed from 1 Elmores. This approach is consistent with the reasoning set out by the previous Inspector¹.

5. The proposed garages are to replace an existing block of garages, albeit that these have already been demolished. The plans indicate that walls of the proposed garages would reach a height of 2.7 metres. There is discussion by the parties and previous Inspector as to the height of the pre-existing garages and the accuracy of the survey plans for these. Although these were demolished prior to my site visit, I have had sight of photos. These are not determinative but nevertheless do illustrate that a structure was present, although it seems unlikely that it reached the 2.95 metres suggested by the appellant.
6. Even so, there was a structure present along this boundary and its height was clearly above a typical 1.8 to 2 metre boundary fence or the like. The construction of the former garages was in pre-cast panelled concrete and this was unlikely to have been the most visually appealing structure. Conversely, the proposal incorporates somewhat softer and less jarring blockwork along this boundary.
7. Weighing all these matters together I find that the fairly modest height of the garages along this boundary, which would be comparable to the structure it replaces, and that this is only slightly higher than a typical boundary treatment, would not appear intrusive or overbearing when viewed from 1 Elmores. I therefore conclude that the proposal complies with policy DM9 of the adopted Epping Forest Local Plan 2011 -2033 (2023) (EFLP) and the National Planning Policy Framework (the Framework) insofar as it would not result in an overbearing or overly enclosed form of development.

Effect on the SAC

8. The Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations) require that where a plan or project is likely to result in a likely significant effect (LSE) on a European site (in this case the SAC), a competent authority is required to make an appropriate assessment (AA) of its implications on the integrity of the European site, in view of its conservation objectives. Any LSEs arising from a development need to be considered alone and in combination with other development in the area, adopting the precautionary principle.
9. The SAC is ancient wood-pasture with habitats and species of high conservation value. It has three qualifying habitats (Atlantic beech forests, European dry heaths, Northern Atlantic wet heaths) and one species (Stag Beetle). The SAC conservation objectives are to achieve a favourable conservation status of the qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying features, the population and distribution of the qualifying species, the supporting processes on which the qualifying habitats and species rely, and the structure and function of the qualifying species habitats.
10. The adopted Epping Forest Interim Air Pollution Mitigation Strategy (2020) (the IAPMS) states that detailed traffic modelling has found that new housing and employment development within the district is likely to result in increased traffic on certain highways through and close to the SAC. Increased air pollution from nitrous oxides (NO_x), ammonia (NH₃) and sulphur dioxide (SO₂) from vehicles will adversely affect the SAC. Emissions can be directly toxic to vegetation, result in

¹ APP/J1535/W/23/3329931

increased nitrogen deposition rates, eutrophication of water and soils, increase soil fertility and affect the quality of semi-natural, nitrogen-limited terrestrial habitats.

11. Development resulting in increased traffic on identified highways, particularly those within 200 metres of the SAC, would have LSEs upon the SAC. Here, the site is slightly less than 1Km to the nearest boundary with the SAC and therefore comfortably within the 6.2Km zone of influence. In this proposal, the development is for stand-alone garages that the appellant indicates are primarily for the storage of motor vehicles. This proposal is similar to three other schemes that the appellant has brought forward in this part of the country.
12. Evidence from these other schemes suggests that the vehicles stored are done so by local residents and this is commonly for classic or higher value vehicles or as a secure parking space for a family car for those who do not have ready access to dedicated off-street parking. Equally, approximately a third of the units are used for domestic storage as opposed to vehicle parking. The distance to the furthest tenanted address from these other sites is 791 metres with the average being between 220 and 356 metres. The 791 metre distance is modestly in excess of the closest distance to a boundary with the SAC on this site whilst the average distances are comfortably well below it.
13. As the garages are used in connection with existing homes and offer parking or other storage space for them, it seems unlikely to me that this would result in additional vehicle movements as a consequence of population increases or employment that would lead to increased traffic generation. Moreover, I am mindful that this proposal is for 21 garages as opposed to the formerly existing 27. I do accept the Council's arguments that the former garages were of a smaller size and arguably less usable for many modern vehicles. Nevertheless, they were still usable and benefited from being in a perfectly lawful use as such. Therefore, from a pure numerical perspective there would be a net reduction in the number of garages available for vehicle storage.
14. Indeed, I am particularly mindful here that as some of the vehicles stored would be classic vehicles, and often these would have comfortably fitted in older sized garages. The same could arguably apply to motorcycles. Moreover, use for domestic storage would not result in additional traffic in close proximity to the SAC as this, if vehicles were used at all, would be a short trip given tenant's likely proximity. It cannot be ruled out that vehicles would not travel within 200 metres of the boundary of the SAC. However, this situation is liable to be the same or less than the former situation.
15. Weighing the above matters together, it seems to me that there would not be an increase in the number of vehicles stored at the site compared to the lawful use and therefore no increase in vehicle movements. The parties are in agreement that the proposal would not place any additional recreational pressure upon the SAC.
16. It therefore follows that the proposal would not result in a LSE upon the integrity of the SAC and can thus comply with policies DM2 and DM22 of the EFLP and provisions of the Framework. As there are no LSE, I do not need to consider the cumulative effects of this proposal in conjunction with other planned or permitted development. Further, for the same reason, there is no requirement for any form of mitigation for the proposal. Indeed, I have sought the views of Natural England on

this matter and no objections were expressed by them due to there being no LSE on the integrity of the SAC.

Other Matters

17. In reaching my conclusions here I have been mindful of the comments of neighbours and the Parish Council. References to rear access to homes via the garage site have been nominated as concerns by some parties. However, I am not aware that any such accesses are a requirement under any planning legislation and any formal or informal easements are a civil matter that must be resolved between the parties themselves.
18. I recognise that there were some discrepancies between the application form and plans including references to trees and that the existing garages have been demolished. In relation to trees on site, I have had regard to the presence of trees, particularly those on the boundary with properties that address Church Lane. However, in this regard, I note that these are non-native conifers of limited biodiversity value and are not protected specimens. I am unable to conclude that their loss or pruning as a consequence of the development would be harmful to the character of the area.
19. The inconsistency between the description of development and what has already occurred on the site has been resolved as is explained in my preliminary matters above.

Conditions

20. The Council have provided a schedule of conditions in the event that the appeal is to be allowed. I have applied these conditions with alterations and edits as explored below in order to accord with the provisions of the Planning Practice Guidance (PPG) and paragraph 56 of the Framework. Some conditions require the submission of further details to the Council however as the trigger for these is development above ground level, they are not pre-commencement conditions. There is therefore no requirement for me to consult the appellant on the imposition of these.
21. I have imposed a general time limit condition to accord with the provisions of the Act and a plans condition in the interests of certainty.
22. A condition is imposed requiring the submission of materials to the Council for agreement and this is in the interest of the character and appearance of the area.
23. A condition is imposed on the entrance gates to ensure these are set back from the junction with the highway. This is in order to ensure a vehicle can pull clear of the highway whilst gates are opened in the interest of the safety and convenience of users of the highway.
24. I have imposed a condition relating to surface water drainage to ensure that the development does not result in run-off to neighbouring land or into the highway.
25. A condition requiring a Construction Management Statement is imposed to ensure that the development does not adversely affect the living conditions of neighbours or highway network during construction.

26. A condition on levels is imposed to ensure that the development is set at a reasonable level and does not result in the garages being excessively tall.
27. Finally, a condition detailing the location of EV charging points is applied to promote the use of more sustainable modes of transport.
28. The Council have requested a condition on hours of use of the premises and that this be restricted to daytime weekday hours in addition to some limited weekend use. However, bearing in mind the nature of the use which would be for the storage of personal vehicles or domestic storage, I find that this would be unreasonable. The proposed use is highly likely to occur at the times which are suggested to be prohibited by the Council and in any case, is unlikely to be any more disruptive than the use of a garage to a domestic home. As such I have not imposed this condition.
29. I have not imposed a condition relating to ground contamination investigation as the application was submitted with a ground investigation report which concluded that the site would not be considered contaminated land.

Conclusion

30. The proposed development would not adversely affect the living conditions of neighbours. As the competent authority, I have found that there would be no LSEs on the integrity of the SAC and this accords with the views of Natural England. The proposal complies with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with it. Therefore, for the reasons given above, the appeal should be allowed.

N Bowden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AJC-1490 09 – Proposed Elevations; AJC-1490 05 – Roof Plan; AJC-1490 04 – Proposed Floor Plan; AJC-1490 02 – Existing Floor Plan; AJC-1490 11 - 3D Visuals; AJC-1490 10 – Existing and Proposed Site Plans; Location Plan - PP-13660407v1; AJC-1490 07 – Existing Elevations; AJC-1490 06 – Existing Elevations; AJC-1490 12 – Garage External Lights and Gated Access Images; AJC-1490 01 – Site Location Plan; Transport Statement; and Planning Statement.
- 3) Prior to any development taking place above ground level, details of the external materials to be used have been submitted to and approved in writing by the Local Planning Authority. The works must then be carried out in accordance with the approved details.
- 4) Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the footway.
- 5) Prior to any development taking place above ground level, details of 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.
- 6) Prior to any development taking place above ground level, a Construction Management Statement shall be submitted to and approved in writing by the Local Planning Authority. This should include a risk assessment and a method statement in accordance with relevant guidance such as IAQM's assessment of dust from demolition and construction guidance and the control of dust and emissions from construction and demolition best practice guidance published by the Greater London Authority. The scheme shall set out the secure measures, which can, and will, be put in place. The submitted management statement shall include details of:
 - a) The parking for vehicles of site operatives and visitors.
 - b) Loading and unloading of plant and materials.
 - c) Storage of plant and materials used in constructing the development.
 - d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
 - e) Wheel washing.
 - f) A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - g) A scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution.
 - h) Dust suppression methods and kit to be used.
 - i) Bonfire policy.
 - j) Confirmation that all Non-Road Mobile Machinery (NRMM) comply with emission Stage IIIB as a minimum.

- k) Confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation.
- l) Site plan identifying location of:
 - i. The parking for vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Storage of plant and materials used in constructing the development
 - iv. Site entrance and exit
 - v. wheel washing
 - vi. hard standing
 - vii. hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting)
 - viii. stockpiles
 - ix. dust suppression
 - x. dust monitoring
 - xi. location of water supplies and
 - xii. location of nearest neighbouring receptors

The details and measures contained in the approved construction management statement must be fully implemented throughout the demolition and construction period.

- 7) Prior to any development taking place above ground level, details of site levels shall have been submitted to and approved by the Local Planning Authority showing cross-sections and elevations of the levels of the site prior to development and the proposed levels of all ground floor slabs of buildings, roadways and accessways and landscaped areas. The development shall be carried out in accordance with those approved details.
- 8) Prior to any development taking place above ground level, 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 details as follows:
 - a) Location of active charging infrastructure; and
 - b) Specification of charging equipment to be used.

End of Schedule