



Appeal Decision

Site visit made on 3 October 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/J1535/W/25/3369927

The Roses, Epping Road, Roydon, Harlow, Essex CM19 5DD

- 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 Ricky Kingsbury against the decision of Epping Forest District Council.
 - The application Ref is EPF/2350/24.
 - The development proposed is the demolition of all buildings, replacement of car body repair yard, scrap yard, car dealership, haulage company, electrical repair company and 1no. dwelling and the erection of 10no. dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The eighth reason for refusal is no longer contested by the Council as the appellant's information submitted as part of the appeal shows a net reduction in traffic movements to and from the site, and a consequential reduction in emissions of atmospheric pollutants from vehicles.
3. Therefore, the Council has confirmed that the proposed development would not adversely affect the habitats site of the Epping Forest Special Area of Conservation ("the EFSAC"). Having considered the appellant's evidence in that regard, I find no reason to disagree with the Council.
4. In respect of refusal reason number 4, the Council has not explained why it found the appeal proposal to be contrary to the spatial development strategy in Policy SP1 of the Epping Forest District Local Plan 2011-2033 Part One, Adopted March 2023 ("the LP") which sets out that homes will be permitted within defined settlement boundaries, subject to other policies.
5. Neither of the main parties has indicated whether the appeal site is within a defined settlement for the purposes of LP Policy SP1. Therefore, as a best-case scenario for the appellant, I have proceeded on the basis that the appeal site is within a defined settlement boundary. However, even if that is not the case it would not alter the outcome of the appeal for the reasons given in this decision.
6. The appeal site lies within the Nazeing and South Roydon Conservation Area ("the CA"). In determining this appeal, I have had regard to my duty under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the LBCA") to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main Issues

7. The main issues in this appeal are:

- The effect of the proposal on the character and appearance of the area, in particular whether it would preserve or enhance the character or appearance of the CA.
- Whether the appeal site is grey belt land and whether the proposed development would be inappropriate development in the Green Belt having regard to any relevant development plan policies and the National Planning Policy Framework (“the Framework”), and its effect on Green Belt openness.
- The effect of the proposed development on the safety of highway users.
- Whether the proposed development would be in an appropriate location for the appeal scheme with particular regard to access to services and facilities.
- Whether satisfactory living conditions would be provided for the future occupants of proposed plots 1, 2, 3 and 10 with particular regard to the size and quality of gardens.
- The effect of the proposed development on the living conditions of the occupiers of the nearby property referred to as ‘Allengale’ with particular regard to outlook and privacy.

Reasons

Character and appearance, including the CA

8. The CA encompasses an extensive area of land that appears substantially rural with only a smattering of buildings, some of which appear recognisable as settlements. LP Policy DM7 requires development proposals affecting a heritage asset to be supported by a Heritage Statement (HS) produced using appropriate expertise to enable the potential impact on the significance of any heritage asset to be fully understood. This is consistent with Framework paragraph 207, and significance can be harmed or lost through alteration of the heritage asset.
9. The appellant did not appear to provide a HS with their planning application. However, the appellant describes the CA in their appeal statement as a “*wide area designated to protect the surviving historic landscape and patterns of settlement. Development in the 20th century has predominantly been linear and is characterised by detached properties occupying large plots which front the highway*”.
10. The appellant’s description more or less accords with my experiences of the area as consisting of some large dwellings occupying substantial plots with space around them, mostly with a frontage to the road and set in verdant, rural surroundings. The Council has not disputed the appellant’s description. In the absence of any alternative assessment of the character or appearance of the CA as a whole, that is the basis on which I have assessed the appeal scheme.
11. The Council issued a Lawful Development Certificate (LDC) for the use of part of the appeal site for car body repair yard, scrap yard, car dealership, haulage company, electrical repair company together with outdoor storage. The buildings, hardstandings and open storage are substantially confined to the LDC land. Whilst removing them would be expected to have a beneficial effect on the CA, it does

not mean that any scheme to replace them with housing would preserve or enhance the character or appearance of the CA as a whole.

12. The proposed dwellings would be relatively large buildings. Those fronting onto Epping Road would be in-keeping with the built-up frontage of the existing and somewhat tightly spaced rows of dwellings that are set there. They would replace a sizeable dwelling and a large industrial style building, and would maintain the existing pattern of development.
13. The part of the appeal site to the south of the Public Right of Way (PRoW) has a markedly more spacious character with sizeable areas free of buildings and open storage, particularly towards the west and close to the site frontage with Reeves Lane, which fall outside of the LDC land. The few buildings that exist on that part of the appeal site are generally modest in scale, low in height and set well back from Reeves Lane. The open storage of items on the LDC land is also generally of a low height and set relatively well back from the road.
14. I would not regard those elements to be attractive. However, they are generally well screened from Reeves Lane, and in longer distance views from Epping Road, by the boundary planting that is growing along the fence line. Their low heights allow views over them, which contributes to a sense of spaciousness above the appeal site. Whilst it would be possible to store materials at a greater height there is limited evidence that that has happened in the past or would be likely to occur in the future.
15. The proposed layout would result in a relatively tightly spaced group of generally large dwellings set around hard-surfaced cul-de-sac roads. The layout would be far less spacious than the established pattern of development in the area, appearing as an incongruous urban style housing development. Together, the grouping of the proposed large scale dwellings would result in a considerable increase in the massing of buildings on the appeal site, and at an elevated level above the boundaries, particularly those south of the PRoW.
16. The elevated massing of the relatively tightly spaced dwellings on that part of the appeal site would be highly visible in views from Reeves Lane and Epping Road, and the PRoW. The large dwelling on Plot 1 would be particularly visually prominent by comparison to other buildings along the Lane. For those reasons the appeal development would be harmfully out-of-keeping with the prevailing character and appearance of the area that is described above.
17. There is little explanation why the elevations of the proposed dwellings would be visually incoherent or lack hierarchy. There appears to be variety in the designs of dwellings in the wider area, and this would be the case for the appeal scheme. However, that does not alter my conclusions on the harm that would arise from the scale, massing and layout of the proposed development.
18. For those reasons, whilst some unattractive structures, open storage and hardstandings would be removed, in totality the proposed development would be harmful to the character and appearance of the area, and would fail to preserve the character or appearance of the CA, resulting in harm to its significance as a designated heritage asset. As such, it would be contrary to Section 72(1) of the LBCA and LP Policies DM3, DM7, DM9 and SP6 insofar as they require high quality development that preserves and enhances the significance of heritage

assets, and relates positively to local character and the natural and historic environment.

19. The appeal proposal would be contrary to Framework Paragraph 135.c) and thus would not meet the Framework's objective in Paragraph 131 of securing good design and creating high quality places. The Framework states that the creation of high quality places is fundamental to what the planning and development process should achieve, and a key aspect of sustainable development. The appeal scheme would not achieve that objective and Framework Paragraph 139 states that development not well designed should be refused.
20. In this instance the harm to the significance of the CA as a designated heritage asset would, in the language of the Framework, be 'less than substantial' and towards the lower end of the spectrum of that harm. The Framework requires great weight be given to the conservation of designated heritage assets which are irreplaceable. The harm to the significance of the CA is therefore a matter of considerable importance and weight in my decision. The Framework and LP Policy DM7 requires the harm to the CA to be weighed against the public benefits of the proposal, and I shall return to this matter in the planning balance.
21. LP Policy DM10 refers to the quantity and quality of landscaped areas and trees required by LP Policies DM5 and DM6. As those policies are not before me, I find no conflict with them.

Whether inappropriate development in the Green Belt

22. The fundamental aim of the Framework's Green Belt policy is to keep land permanently open. Most forms of development in the Green Belt are inappropriate unless they fall within one of the exceptions listed in the Framework. Those exceptions include the limited infilling or the partial or complete redevelopment of previously developed land (PDL) whether redundant or in continuing use, which would not cause substantial harm to the openness of the Green Belt, as set out in Framework Paragraph 154.g). I deal with the matter of grey belt land later in this decision following the outcome of my heritage balance.
23. LP Policy DM4 is not consistent with the Framework's exception in Paragraph 154.g) which was published in December 2024, following the ministerial speeches that are drawn to my attention by the appellant. Therefore, I attribute far greater weight to the Framework in my assessment of this matter.
24. The Framework does not define limited infilling. In my judgement infilling would be the filling of land between buildings with new buildings. No alternative definition has been put to me. In this instance, whilst some of the proposed dwellings would reasonably be considered to infill a gap between existing buildings, others would not. Considered as a whole, the proposed development would not constitute infilling. Furthermore, in my judgement, the development would not be limited when considered in the context of the number and pattern of buildings in the locality.
25. The Council Officer's report refers to the history of the appeal site as resulting in much of it having to be treated as PDL. Part of the appeal site has a LDC for the purposes described above. The buildings, hardstandings and open storage that I observed are almost wholly confined to the LDC land. The Framework's glossary defines PDL as land which has been lawfully developed and is or was occupied by

a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Excluded from PDL is land in built-up areas such as residential gardens.

26. The garden of the existing dwelling to be demolished is not within the LDC land and it would appear, on the evidence before me, to comprise land in a built-up area, and thus be excluded from being PDL. Moreover, a sizeable part of the appeal site to the south of the PRoW, and not included in the LDC land, consists of overgrown grassland. This includes most of the land that would form the long rear gardens to the dwellings on plots 4-6. There are no identifiable buildings or hardstandings on that land and little evidence of any notable open storage taking place, save for a small pile of waste materials. In my judgement that land would also not be PDL.
27. For those reasons, a large part of the appeal site by area would not, on the evidence that is before me, be PDL under the Framework's definition. It therefore follows that the appeal development would not be for the redevelopment of land that is substantially PDL. Consequently, it would not meet the exception in Framework paragraph 154.g) and would be inappropriate development in the Green Belt as a consequence. Inappropriate development in the Green Belt is harmful by definition and should not be approved except in very special circumstances.

Green Belt openness and purposes

28. The essential characteristics of Green Belts are their openness and their permanence. Openness has spatial and visual aspects. I have not been provided with calculations showing how the existing and proposed developments would differ in terms of the areas of hardstanding, floor areas or building volumes. Therefore, I have based my assessment on the drawings before me and my experiences at the site visit.
29. It seems to me that the appeal development would, on the part of the appeal site north of the PRoW, probably lead to a reduction in hardstandings, fewer parked vehicles and less outside storage, together with less intensive levels of activity. The proposed dwellings on that part of the site would likely be slightly taller than the existing buildings and their spread across that part of the site would be different. However, I estimate that there would probably be a small reduction in land occupied by buildings and a small reduction in the volumes of buildings as a result of the appeal development. No quantitative evidence to the contrary has been advanced. Consequently, there would appear to be a modest increase in Green Belt openness in the spatial and visual dimensions on that part of the site.
30. However, the existing buildings on the part of the appeal site to the south of the PRoW are considerably smaller and lower in height. The open storage consists generally of relatively low height items that include shipping containers, vehicles, articulated lorry trailers and fencing panels and materials. Furthermore, those buildings and stored items tend to be set back from the appeal site's boundary with Reeves Lane, and are not readily appreciated or prominent in those public views. Whilst it would be possible to store materials at a greater height there is limited

evidence that that has happened in the past or would be likely to occur in the future.

31. By contrast, the proposed dwellings on that part of the site would be considerably taller than the existing buildings to be demolished and the open storage to be removed. They would appear to have a far greater cumulative footprint and volume of built form than those existing buildings and the open storage. They would spread further across the appeal site and would occupy sizeable parts of the land where no building currently exists, including in a more prominent position closer to the Reeves Lane frontage.
32. The greater height, bulk and elevated massing of the proposed dwellings, which would be relatively tightly spaced, would be clearly visible from Reeves Lane, Epping Road and the PRoW. They would partly close-out views that currently exist over the low height buildings and the open storage on the appeal site. In those respects, the combined built forms of the proposed dwellings would lead to a significant reduction in Green Belt openness in the spatial and visual dimensions on that part of the appeal site.
33. Whilst the proposed development would be a less intensive use, would lead to fewer parked vehicles and open storage, and would probably lead to a modest reduction in hardstandings, the overall effect of the appeal proposal on the Green Belt would be to cause a significant level of harm to openness. Framework paragraph 153 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
34. Given that I have adopted the best-case scenario that the appeal site is within a defined settlement boundary, it follows that the appeal development would not conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment.

Highway safety

35. A new access to Reeves Lane would be formed to replace the existing access at a point much closer to the junction with the B181 Epping Road. Visibility on either side of that access would appear sufficient. The appellant's Transport Statement (TS) shows the swept paths of a car, refuse vehicle and a fire appliance turning left out of the new access and joining the narrow Reeves Lane. Those vehicles would likely occupy most of the carriageway when exiting the site, thus placing them in the likely path of oncoming vehicles turning onto Reeves Lane from Epping Road, at a point closer to the junction of those roads.
36. However, in my judgement that would be very similar to the current situation whereby vehicles joining Reeves Lane from the existing access and travelling north towards the Epping Road junction would also be expected to take up most of the carriageway width, including a higher proportion of larger vehicles from the existing use.
37. I am aware that the dense vegetation on the inside of the sharp bend at the junction of Reeves Lane and Epping Road, would restrict the ability of a driver on Reeves Lane to see a vehicle turning left to join the Lane from Epping Road, and vice versa. However, the closing speeds of those vehicles would be relatively low, and the proposed development would significantly reduce the number of vehicles

joining Reeves Lane from the appeal site and using the junction, particularly larger vehicles. Taking these factors into account, I am satisfied on the evidence before me that the appeal development would not materially increase the probability and consequences of collisions between road users.

38. The Local Highways Authority has requested additional assessment work on the safety of the junction. However, its request is expressed in broad terms and is not specific as to why the appellant's information is insufficient and what that further assessment work would involve. Therefore, I am not convinced that it is demonstrably necessary in this instance.
39. The TS shows a second access point onto Reeves Lane for proposed plot 4. However, it is not shown to be within the appeal site and therefore forms no part of my assessment. I see no reason why conditions could not have secured the dropped kerb accesses of appropriate width that are sought by the Council.
40. For the reasons given above, and on the evidence before me, the proposed development would not be harmful to the safety of highway users and therefore it would be consistent with Framework paragraphs 115.b) and 116, insofar as development should only be refused where it would have an unacceptable impact on highway safety.

Whether an appropriate location for housing

41. The appeal site lies approximately 2km from Roydon and approximately 3.2km from Harlow where the closest services and facilities likely to be frequently visited by future occupants of the proposed development. Travel to those settlements would largely be along the B181 Epping Road, which is a fairly typical rural B-road with a 40mph speed limit for the most part. It was subject to what I observed were relatively modest traffic flows and vehicle speeds.
42. In my view, it would not be safe or convenient for future occupiers of the proposed development to walk to those settlements on a regular basis as they would have to walk in the carriageway for relatively long distances. The closest bus stops where services to larger settlements are relatively frequent are located around 280 metres away from the appeal site, which is not far.
43. The alignment of the section of road between the site and bus stops provides good forwards visibility for the most part and walkers could seek refuge from passing vehicles on the highway verge. Therefore, more confident and ardent walkers may use those bus stops for some journeys, particularly in daylight and reasonably good weather conditions. However, the proportion of pedestrians prepared to do so would be limited by the absence of street lighting and footways, and traffic conditions.
44. Cycling to the convenience store and other facilities in Roydon would take around 6 minutes and the railway station around 7 minutes. The National Cycle Network can be reached within about 8 minutes. Cycling journeys to access a good range of services and facilities would not exceed reasonable and achievable travel distances for a good proportion of potential cyclists. Given the width and gradient of the B181, and the traffic conditions that I observed, cycling to those destinations would not be inherently unsafe. Cycling would be a realistic option for some occupants to access some day-to-day services and facilities, particularly in reasonably good weather conditions.

45. Given the location of the site, it remains likely that most journeys would be undertaken by the private car, particularly those to schools. However, given the relative closeness of the appeal site to larger settlements, those journeys would mostly be short in distance. The scale of the proposed development would not be significant for the purposes of Framework paragraph 110, which requires planning decisions to take account of the fact that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
46. Based on the above, I am satisfied that the location of the appeal site provides reasonable and realistic opportunities for some journeys to be made by cycling and for a limited number of walking journeys to nearby bus stops. It would therefore be in an appropriate location for the appeal scheme with particular regard to access to services and facilities, consistent with LP Policies SP2 and T1 insofar as they require development to minimise the need to travel, promote opportunities for sustainable transport modes and access to local and strategic destinations.

Living conditions of future occupants

47. The distances between the walls of the proposed dwelling on Plot 1 and the boundaries of the L-shaped garden would be shorter than other plots. Nonetheless, the garden would have a relatively open aspect, and its size and shape would not provide a cramped or oppressive space for occupiers. It would provide sufficient play space for children and for older occupiers to establish an area to sit outside for relaxation, socialising and domestic activities like the drying of clothes.
48. The depths of the gardens of plots 2 and 3 would not, in my judgement, be too shallow relative to the dwellings they would serve. They are relatively wide and would have sufficient space to accommodate normal domestic activities such as outdoor relaxation and play space for children.
49. Given the size of the garden of plot 10 relative to the position of the tree on the Epping Road frontage and the spread of its canopy, I am satisfied that sufficient light would reach the garden. Epping Road is a fairly typical rural B-road and whilst traffic noise would be audible for future occupiers of the garden it would not, in my judgement, reach levels that would make it an unattractive or unusable outdoor living space.
50. For those reasons, the proposed development would provide satisfactory living conditions for the future occupants of those dwellings with particular regard to the size and quality of gardens. It would therefore be consistent with LP Policy DM9 which requires development to take account of the amenity of future occupiers in terms of access to light and not resulting in an overbearing or overly enclosed form of development.

Living conditions of the occupiers of the nearby property known as Allengale.

51. The proposed layout would result in several of the proposed dwellings being grouped around Allengale where they would be clearly visible in views from its garden and internal rooms. However, the distances of separation between them would be sufficient to avoid an oppressively overbearing effect on the occupants of Allengale in views from their property.

52. The occupiers of those proposed dwellings would have views across the garden of Allengale and towards the windows serving its internal rooms, particularly upper floor rooms. However, given the viewing distances, I am satisfied that the proposed development would not lead to a harmful loss of privacy for the occupiers of Allengale.
53. For those reasons the proposed development would not be harmful to the living conditions of the occupiers of the nearby property known as Allengale with particular regard to outlook and privacy. As such, it would be consistent with LP Policy DM9 insofar as it requires development detrimental to the living conditions of neighbouring occupiers to be avoided.

Other considerations

54. The Council advises that it can demonstrate a housing land supply of some 6.57 years. However, I have not been provided with formal confirmation that the Council's Housing Delivery Test (HDT) result was recalculated at 105% in May 2024. Accordingly, for the purposes of this appeal I have used the HDT results published in late 2024, which indicate that the Council cannot meet the HDT.
55. The proposed development would make a valuable contribution to the supply of housing, and the proposal has some local support due to its benefits. Although a commercial premises currently in use would be lost, the construction and occupation of the proposed development would bring short term and lasting economic benefits to the area. This would include future occupants supporting services and facilities in the wider area and contributing to the vitality of the rural community. The Framework supports the development of windfall housing sites and making effective use of under-utilised land, and PDL, including sites of a scale that are suitable for small and medium enterprises, and likely to be built out quickly.
56. Biodiversity would be enhanced and habitat for species would be created. The dwellings could be energy efficient and renewable energy could be generated. It would result in fewer vehicles travelling to and from the appeal site. There would be reductions in carbon emissions and pollutants from vehicles, thus benefiting air quality and the nature conservation interests of the EFSAC.
57. The proposed development would remove some unattractive open storage, hardstandings and buildings, and improve surveillance of the PRoW, and create a more tranquil environment around it, thus representing a modest benefit to its users. A well-designed scheme would likely be capable of the same. The likely lower noise levels attributed to the proposed residential use would be a modest benefit in its favour. There is no substantive evidence that the existing use is significantly harmful to nearby occupiers, and it attained lawful status by operating for a considerable period without enforcement action being taken.

Planning Balances

58. Due to the Council's HDT result, Framework paragraph 11.d) is relevant and the policies that are most important for determining the application are out-of-date and permission should be granted unless, at paragraph 11d)i., the application of the policies in the Framework that protect assets of particular importance, which include designated heritage assets, provides a strong reason for refusing the development proposed.

59. Whilst the appeal proposal would deliver a range of public benefits of substantial cumulative value, they would not outweigh the harm to the CA, which is a matter of considerable importance and great weight. There is no clear and convincing justification for that harm to be accepted even towards the lower end of the less than substantial spectrum. As such, there would be conflict with LP Policy DM7 in that regard and with the conserving and enhancing the historic environment objectives of Framework Chapter 16. The appeal scheme is not well designed, and the Framework is clear that development that is not well designed should be refused, which is a determinative matter in this appeal.
60. In this instance the harm to the CA amounts to a strong reason for refusing the proposed development under Paragraph 11.d)i. of the Framework. Therefore Paragraph 11.d)ii, and the so called 'tilted balance' does not apply in this instance. That same strong reason for refusing the development excludes the appeal land from being defined as Green Belt land under the Framework's glossary. Those allowed appeals¹ which were found to be on green belt land and relate to different schemes on different sites are of limited relevance to my considerations in this appeal.
61. In terms of my Green Belt balance, the Framework is clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In accordance with the Framework, I give substantial weight to the appeal development's harm to the Green Belt by reasons of inappropriateness and harm to openness. This would bring the development into conflict with LP Policy DM4 in that regard.
62. Whilst the other considerations carry substantial weight in favour of the appeal development they do not clearly outweigh the totality of its harm to the Green Belt, and to the character and appearance of the area, including the harm to the significance of the CA. Consequently, the very special circumstances necessary to justify the development do not exist. Taken together, the harms of the appeal scheme are determinative in this instance, resulting in policy conflicts that bring it into conflict with the development plan as a whole.

Conclusion

63. The proposed development would be contrary to the development plan when read as a whole. The material considerations including the benefits of the proposed development and the provisions of the Framework are insufficient to outweigh that conflict. Therefore, for the reasons given above, I conclude that the appeal proposal is unacceptable, and the appeal should be dismissed.

G Sylvester

INSPECTOR

¹ APP/R0660/W/24/3354674 and APP/M3645/W/24/3352066