



Appeal Decision

Site visit made on 30 July 2025

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2025

Appeal Ref: APP/J1535/W/25/3364619

Land at West Essex Golf Club and Netherhouse Farm, Bury Road, Chingford, Essex, E4 7QL

- 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 West Essex GC Green Energy Limited against the decision of Epping Forest District Council.
 - The application Ref is EPF/2596/23.
 - The development proposed is Construction of 10.7MWp Photovoltaic solar farm and associated infrastructure, including sub-station, cabinets, fencing, access tracks and grid connection.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by West Essex GC Green Energy Ltd against the decision of Epping Forest District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt, in terms of land use and location, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including its effects on the openness of the Green Belt and the purposes of including land in it; and
 - whether the proposal would adversely affect the integrity of the Epping Forest Special Area of Conservation (SAC).

Reasons

4. Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part 1 (LP) indicates that development proposals in the Green Belt will only be permitted where they would not result in inappropriate development or where very special circumstances have been demonstrated. Paragraphs 154 and 155 of the Framework set out the forms of development that are considered to not be inappropriate in the Green Belt.

5. In December 2024, a revised version of the Framework was published. This introduced the concept of Grey Belt land which is defined in its glossary, where subject to meeting various criteria in paragraph 155 and where appropriate paragraph 156, development may not be inappropriate. Further advice on whether land may be considered to be Grey Belt was provided in an update to the Green Belt section of the PPG published in February 2025.
6. The glossary defines Grey Belt as "...land in the Green Belt comprising previously developed land (PDL) and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. Grey Belt excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.
7. The Council's appeal statement is silent on its consideration of whether the site is considered Grey Belt, however its officer report sets out that the site does not strongly contribute to purposes (a), (b) or (d) in paragraph 143 and does not affect areas or assets in footnote 7 of the Framework and concludes that the site would therefore utilise Grey Belt land, and nothing I have seen, read or heard leads me to conclude otherwise.
8. The proposed development would have a moderate adverse impact on Green Belt purpose c) regarding assisting in safeguarding the countryside from encroachment. However, no harm would arise to purpose e) regarding regeneration. Some 93% of the district is Green Belt. The development of the part of the Green Belt land that comprises the appeal site would not affect the ability of all the remaining Green Belt across the area of the plan from serving all five of the Green Belt purposes in a meaningful way. I find that the proposed development would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan.
9. The proposed development would assist in meeting the need for renewable energy. There is a demonstrable unmet need for the type of development proposed.
10. The specific locational requirement for the proposed solar farm, in terms of an available grid connection, and its location providing power for both the golf club and crematorium means that the site is located within the countryside. But with the exception of construction and decommissioning periods the facility would not generate much traffic. Safe and suitable access could be secured by the imposition of appropriate planning conditions. Overall, I consider that the proposed solar farm would be in a sustainable location having regard to paragraphs 110 and 115 of the NPPF.
11. The Golden Rules as set out in paragraphs 156 - 157 of the Framework do not apply in this case. The proposal is not, therefore, inappropriate development in the Green Belt and the appeal scheme would result in no harm to the Green Belt. There is no conflict with Policy DM4 of the LP because the policy refers to development compatible with policies for protecting the Green Belt. Whilst paragraph 160 of the Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development, the development is not regarded as inappropriate because parts a, b, and c of paragraph 155 apply.

Epping Forest SAC

12. The appeal site lies within 400m of the SAC and within the zone of influence identified by Natural England as being likely to result in harm to the SAC due to increased leisure use and an increase in traffic impacting on air pollution. The area was designated due to the presence of three qualifying habitats and one species, namely Atlantic beech forest, European dry heaths, Northern Atlantic wet heaths and the Stag beetle. The conservation objectives are to achieve the favourable conservation status of these qualifying features by maintaining or restoring the extent, distribution, structure and function of the qualifying habitats, the population and distribution of the qualifying species and the supporting processes on which it relies.
13. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SAC. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
14. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
15. The Council consider that insufficient evidence has been submitted to demonstrate that the proposal would not have an adverse impact on the special interest features of the SAC due to the effects of urbanisation. The Council accept that there are no recreational pressures, pollution or traffic movements associated with the operational solar farm and that the site will result in significant biodiversity gain due to the enhancements proposed.
16. The appellant has provided a project level HRA note to accompany the application which was in response to the Council's request for further information during the application, the appellant was asked to focus on any impacts arising from traffic movements in terms of impact on air quality. This concludes that traffic movements, aside from the short term construction period of 8-12 weeks, would be very low with the site closed to all public and private vehicles.
17. The HRA note also sets out that in terms of any urbanisation effects there will be no housing for people within or outside of the solar farm for maintenance, furthermore noting the security fencing enclosing the site that there will be little chance of fly tipping, introduction of non-native species or risks of arson within the Zone of Influence.
18. The Council's evidence suggests that Natural England did not object to the application, however could not provide a copy of the original correspondence and therefore as the competent authority a further consultation was undertaken. This sets out that Natural England have updated their position and conclude that the proposal could have potential significant effects on the Epping Forest SAC and requested further information to consider the scope of mitigation regarding the impacts of air pollution, with further information on traffic movements during construction and operation of the proposal.

19. The appellant has provided further information regarding the construction traffic in terms of duration and number and size of vehicles. They have also provided evidence to set out how over the lifetime of the development there would be a reduction in emissions when compared with the current energy consumption of both the golf club and crematorium.
20. This evidence has been put to Natural England, who have confirmed that the proposal can not rely on the Epping Forest District Council Air Pollution Mitigation Strategy to mitigate for adverse effects on air pollution. As such further evidence is required to inform any mitigation. In particular that a road analysis is required to assess whether there will be an impact on the SAC.
21. Furthermore, whilst there would be a reduction in carbon emissions this is not relevant to the issue of air pollution within the SAC, with the pollutants of ammonia and nitrogen oxides needing to be considered. Natural England remain of the view that a package of bespoke mitigation measures may be required, including the use of a Section 106 obligation to ensure that all construction traffic is powered by electric vehicles.
22. I cannot be satisfied, on the basis of objective and credible evidence, provided by the appellant, that the adverse effects on the integrity of the SAC can be ruled out beyond all reasonable scientific doubt. It is the appellant that is solely responsible for compiling and submitting all the necessary information and a failure to provide the necessary information means that an adverse effect on integrity cannot be ruled out.
23. It has been put to me that the proposal will impact the SAC through noise and disturbance during the construction period and that priority bird species such as ground nesting skylark, grey partridge, yellow wagtail and lapwing as well as ground using species such as yellowhammer and linnet may be impacted. However, none of these birds were identified within the Phase 1 Habitats Survey as being present on the site and these species are not listed within the qualifying species for the SAC.
24. The Council have also suggested that the proposal could result in the reduction of habitat quality for Bats, but the Habitats Survey sets out the ecology of both fields, found to be poor for nature conservation, is such that they will contribute little to the foraging bats.
25. The report goes on to state that with both sites (Northern and Southern) the places for bat foraging and commuting would be along the edges of adjacent woodlands, and in the case of the northern Site along the edges of the hedgerow that cuts through the Site. As buffers will be in operation there will be no change in the activity of bats along these corridors.
26. The corridors, as woodland edges, and hedgerow edges represent biodiverse hot-spots where bats can forage, a situation less likely over the existing grassy areas of both the Northern and Southern Sites. Botanical enhancements will be provided around the site and will further increase the potential of the Site to provide foraging material for bats.

27. It concludes that the solar farm will not have a negative effect on bats, as the grass will still grow underneath the panels, and the insects will still rise into the air to be caught by bats. Overall, therefore it is not thought that the development would have any adverse effects on bats.
28. The Council's ecologist has not disputed the findings of the ecology report and has stated that the Phase 1 Habitats Survey provides certainty for the Council of the likely impacts on designated sites, protected and Priority species & habitats and, with appropriate mitigation measures secured, the development can be made acceptable. Therefore, I have nothing before me to evidence the Council's concerns in this regard.
29. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives. Whilst the appellant has suggested that the matters pertaining to air pollution could be dealt with by appropriately worded conditions, in the absence of an agreed mitigation strategy to overcome the in-combination effects that have been identified in respect to air quality, I cannot be satisfied that the appeal proposal would not result in significant adverse effect to the integrity of the SAC.
30. The appellant considers that Natural England's approach is disproportionate with the potential marginal changes in nitrogen oxides from a handful of temporary vehicle movements being de minimis when set against the significant local and national benefits of renewable generation. However, based on a precautionary approach and the evidence before me, I conclude that the appeal scheme would be likely to have a significant adverse effect on the integrity of the SAC due to the increase in air pollution.
31. The proposal would therefore fail to comply with the requirements of the Regulations as well as Paragraph 193(a) of the Framework which states that where significant harm to biodiversity resulting from a development cannot be adequately mitigated, then planning permission should be refused.
32. Moreover, it would also fail to comply with policy DM2 of the Epping Forest District Local Plan which seeks to ensure that development does not adversely affect Special Areas of Conservation.

Planning Balance and Conclusion

33. I attach considerable weight to my finding that an agreed mitigation strategy has not been provided to mitigate the potential air pollution. Consequently, there is no certainty that the proposal would not adversely affect the integrity of the European designated nature conservation site. The proposal would be contrary to the development plan in these respects.
34. I have had regard to the significant benefits of the proposal as set out within the appellant's appeal statement, however, in the overall planning balance, the benefits of the proposal are not sufficient in this case by virtue of the Habitat Regulations to outweigh the adverse effects on the integrity of the European designated nature conservation sites.

35. By virtue of the Habitats Regulations, agreement cannot be given to the project because the integrity of a European site would be adversely affected. Given the impacts upon the integrity of the designated site and the accompanying conflict with the development plan as a whole, this is sufficient for me to conclude that the proposed development is unacceptable.

Conclusion

36. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
37. For the reasons given above the appeal should be dismissed.

G Pannell

INSPECTOR