
Appeal Decision

Site visit made on 5 November 2025

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th November 2025

Appeal Ref: APP/J1535/W/25/3370741

Bentons Farm, Middle Street, Nazeing, Waltham Abbey, Essex EN9 2LN

- 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 Bray against the decision of Epping Forest District Council.
 - The application Ref is EPF/1006/25.
 - The development proposed is described as proposed infill to create 1 chalet-style dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Drainage consent details were included with the appeal, but the appellant's submission does not reference them further. The relevance of these details to the appeal is therefore unclear, and I have not considered them in my assessment.
3. To address the third reason for refusal, the appellant has submitted a unilateral undertaking (UU) pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) with the appeal. I shall return to this later in my decision.

Main Issues

4. The main issues are:
 - The effect of the proposal on the integrity of the Epping Forest Special Area of Conservation;
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposal on openness;
 - Whether the proposal would conserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area; and,
 - Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Epping Forest Special Area of Conservation

5. The Epping Forest Special Area of Conservation (SAC) is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The Habitat Regulations impose a duty on the competent authority, to consider whether any proposal may have a significant effect on such a protected area either alone, or in combination with other plans and projects. This responsibility now falls on me in respect to the appeal proposal.
6. The SAC 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 features by maintaining or restoring the extent, distribution, structure and function of the habitats, the population and distribution of the species and the supporting processes on which it relies. The habitats and species may be adversely affected as a result of additional recreational pressure from visitors and a deterioration of air quality arising from increased traffic volumes through the protected area.
7. The appeal site lies between 3km and 6.2km of the SAC and as such it is incumbent upon me as the competent authority to consider the likely significant effects of the proposed development, alone or in combination with other plans or projects, on the integrity of the SAC.
8. The Council has identified two pathways of impact which relate to recreational pressure and atmospheric pollution that are affecting the health of the SAC. The supporting evidence with the appeal indicates that the proposal would cause a net increase of vehicles routing through or within 200m of the SAC¹. Where development would have likely significant effects, mitigation measures, on-site and off-site as appropriate, will be required to ensure that it will have no adverse effect on the integrity of the SAC in line with Policy DM2 of the Epping Forest District Local Plan 2011 – 2033 (the Local Plan).
9. The UU submitted by the appellant seeks to secure financial contributions towards air pollution, recreation and green infrastructure enhancement projects. However, the UU is incomplete as it is not dated and does not include a site plan edged in red, which should be attached as an appendix, according to the definitions and interpretations within the UU. Consequently, the required contributions towards off-site measures to make the proposal acceptable cannot be secured. I am therefore unable to undertake an Appropriate Assessment in respect of this site and to conclude that the integrity of the SAC would not be adversely affected. However, as I am intending to dismiss the appeal for other reasons, it has not been necessary for me to pursue this matter further.
10. I therefore conclude that it has not been demonstrated that the proposal would not have an adverse effect on the integrity of the SAC. This is given significant weight. Consequently, the proposal would conflict with Policies DM2 and DM22 of the Local Plan insofar as they seek to protect the SAC. The proposal would also fail to address the requirements of the Habitat Regulations.

¹ EFSAC Trip Generation Assessment prepared by MP Chartered Architects - February 2025.

Inappropriate development

11. The appeal site is in the Green Belt. Policy SP5 of the Local Plan sets out the general extent of the Green Belt. Policy DM4 of the Local Plan broadly reflects the approach of the Framework in requiring the Green Belt to be protected from inappropriate development. The Framework sets out certain exceptions where development in the Green Belt is not inappropriate development. I have considered each exception put forward by the appellant.
 - i. Limited infilling in villages
12. The exception at part e) of paragraph 154 of the Framework allows for the limited infilling in villages. The main parties agree that the appeal site lies within a village, and I see no reason to disagree based on my site visit and the appeal evidence. Whether the proposal would meet this exception is therefore contingent on whether it would be limited infilling.
13. The Framework does not define the term limited infilling. The supporting text to Policy DM4 of the Local Plan explains that for the purposes of this policy, limited infilling means the development of a small gap in an otherwise continuous built-up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It is reasonable to use this definition to aid my judgement.
14. Nearby development includes buildings at the Telephone Exchange site, the Abbey Transmission Services site, and the former School House site, along with single-storey units within the Abbey Industrial Estate. These buildings are contained within their own plots, accessed from Middle Street, forming a frontage along the road. The appeal site does not form part of this frontage as it is located behind the Telephone Exchange and Abbey Transmission Services buildings.
15. The appeal site is located at the end of a row of four houses which form their own frontage. Although the proposed dwelling would generally follow the same building line as these houses, the appeal site has no development along its eastern boundary that would also be part of the Oak Tree Close frontage. As a result, the site does not form part of an otherwise continuous built-up frontage. Whilst the gap between the proposed dwelling and the adjacent house would be similar to those within Oak Tree Close, the separation from buildings fronting Middle Street would be significantly larger and cannot be considered a small gap. Moreover, the land to the rear comprises open fields with no development. Therefore, despite the size of gaps previously accepted by the Council, the appeal site cannot reasonably be described as a small gap within built development.
16. Accordingly, the proposal would not amount to limited infilling, even though it is limited in scale to a single dwelling. The proposal would therefore not meet the exception listed at part e) of paragraph 154 of the Framework.
 - ii. Limited infilling or the partial or complete redevelopment of previously developed land
17. Part g) of paragraph 154 of the Framework allows for limited infilling or the partial or complete redevelopment of previously developed land (PDL), which would not cause substantial harm to the openness of the Green Belt. This exception hinges on the site being PDL. There is no substantive evidence before me that the appeal

site has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it. As it has not been demonstrated that the appeal site is PDL, the proposal would not meet the exception listed at part g) of paragraph 154 of the Framework.

iii. Grey Belt

18. Paragraph 155 of the Framework states that the development of homes in the Green Belt is not inappropriate where the development would utilise grey belt land and where certain other circumstances apply. It is common ground that the site does not strongly contribute to any of the Green Belt purposes (a), (b), or (d) in paragraph 143 of the Framework, and I see no reason to take a different view. However, the definition of 'grey belt' in the Framework, when read together with footnote 7, specifically excludes land where the policies of the Framework relating to habitats sites would provide a strong reason for refusing the development.
19. My conclusions regarding its impact on the integrity of the SAC, together with the Framework's policies on habitat sites, mean that the appeal site is excluded from the definition of grey belt. However, even if I were to consider the criteria within paragraph 155 of the Framework, the appeal is not supported by any detailed evidence in terms of up-to-date housing need figures to show there is a demonstrable unmet need for the type of development proposed, given the Council's housing land supply position.
20. For the above reasons, the proposal would not meet any of the inappropriate development exceptions set out in the Framework. I therefore conclude that the proposal would be inappropriate development in the Green Belt and would conflict with Policies SP5 and DM4 of the Local Plan, the purposes of which have been set out above.

Openness

21. Although the proposed dwelling would have a smaller footprint than previous schemes, it would still introduce built development on an otherwise undeveloped site, resulting in a clear loss of spatial openness. While largely screened from Middle Street, the dwelling would be visible in short-range views from the Public Right of Way and Oak Tree Close, reducing visual openness. Even with the adjacent open field retained, the proposal would diminish both visual and spatial openness. Overall, as the effect on openness would be localised, the degree of harm would be moderate. The proposal would also conflict with the purposes of including land within the Green Belt as it would result in encroachment into the countryside.

Nazeing and South Roydon Conservation Area (the CA)

22. As the appeal site is within the CA, I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area.
23. Based on my observations and the evidence provided, I consider that the significance of the CA is partly derived from its historic rural settlement pattern. This pattern is characterised by houses and buildings typically clustered in a linear pattern and surrounded by enclosed fields, as reflected on the CA boundary map.

These surrounding fields contribute to the spacious and verdant character of the CA, even though there are groups of more close-knit development with limited gaps along the roads within the CA.

24. Over time new development may have encroached upon the fields in the CA. Nevertheless, the undeveloped greenfield nature of the appeal site forms part of the surroundings in which the CA is experienced. It is part of the setting of the CA and makes an important positive contribution to the significance of the CA as a whole.
25. The domestication of the appeal site through the construction of the proposed dwelling, the extension of the road and creation of parking would erode its spacious and verdant character and would introduce a further element of suburbanisation in the CA. Although the proposed dwelling would be a continuation of the housing already in Oak Tree Close, its siting behind the Middle Street frontage would jar with the historic linear pattern of development and layout.
26. The proposal would therefore diminish the positive contribution that the appeal site makes to the CA, causing harm to the character and appearance of the CA. Although localised in its effect, the harm caused to the CA would be less than substantial. Nevertheless, this attracts considerable weight and importance. In accordance with paragraph 215 of the Framework, where a development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall return to this matter in the planning balance.
27. The proposal would therefore not conserve or enhance the character or appearance of the CA and would conflict with Policy DM7 of the Local Plan. This policy, amongst other things, requires heritage assets to be preserved or enhanced.

Other considerations

28. The appellant highlights the importance of consistency in determining planning applications, citing the Oak Tree Close housing approval. I have not been provided with the full details of this permission, but it appears to predate the adoption of the current Local Plan and the latest Framework. Each application must also be assessed on its own merits. Whether a proposal constitutes 'limited infilling' requires a degree of planning judgement, which is a matter for the decision maker. This consideration is therefore of limited weight.
29. I have considered the representations of support, including the support from the Parish Council. There is no substantial evidence before me to show that the appeal site poses security risks to nearby homes. The Council raised no objections to the design of the house, and I have no reason to reach a contrary view. Even if the previous development in Oak Tree Close has enhanced the area, the appeal site does not appear to be in a poor condition to justify the proposal. I therefore give these considerations limited weight.
30. The application includes an analysis of operational and embodied carbon, indicating a medium to high design quality against the Council's Sustainability Checklist. Although paragraph 161 of the Framework states the planning system should support the transition to net zero, without a copy of the checklist, I cannot verify this analysis. It therefore carries minimal weight.

31. The appellant's assertions that the proposal either complies with or exceeds the requirements of policies SP3, DM9 and DM20 has not been substantiated. Nevertheless, compliance with local planning policies would be required in any case and is therefore of neutral weight.

Other Matters

32. The Parish Council notes limited local interest in the proposal, but this does not imply an absence of harm and does not affect my assessment of the planning merits. A resident also raised concerns about a nearby car wash approved by the Council; however, that development is not part of this appeal, and no further details have been provided. It is therefore not a decisive factor in my decision.

Planning Balance

Heritage Balance

33. The proposal would deliver an additional home, contributing to the Government's objective of significantly boosting the supply of new homes. It would be designed for 'lifetime' use, complying with Part M4(3) accessibility standards, but while a need for accessible housing is put forward, no specific evidence has been provided. There would be some economic and social benefits through future spending and support for local services and some temporary construction jobs. There would also be some environmental benefits from the proposal, through the use of energy-efficient building fabric and glazing and the incorporation of an air source heat pump.
34. Owing to the quantum of development proposed, the extent of these above mentioned benefits would be limited. Overall, the weight given to these public benefits is tempered to a modest level which is insufficient to outweigh the less than substantial harm to the CA.

Green Belt Balance

35. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
36. The proposal would be inappropriate development in the terms set out by the Framework and would result in the loss of openness of the Green Belt. As required by the Framework, substantial weight is given to this harm. The failure to demonstrate that the proposal would not cause harm to the integrity of the SPA carries significant weight, considerable weight and importance is also given to the harm to the CA.
37. Against these harms, the other considerations I have identified are of limited weight in favour of the proposal. As such, the weight afforded to other considerations in support of the appeal would not, either individually or collectively, clearly outweigh the harm to the Green Belt, the integrity of the SPA and the CA. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

38. The proposal conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR