



Appeal Decision

Site visit made on 28 October 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/J1535/D/25/3373204

Woodside Lodge, 9 Woodside, Thornwood, Epping, Essex CM16 6LH

- 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 Peter Milinou against the decision of Epping Forest District Council.
 - The application ref. is EPF/0607/25.
 - The development proposed is replacement of existing gate with electric solid aluminium swing (on to property) gate, total height 2m. Current fence posts, either side of the gate, to be replaced with brickwork walls, same height as gate 2m.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area; and
 - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate development

3. The appeal site contains a two-storey detached house set at an angle some way back from a lane. The plot tapers to a driveway flanked by hedges and ends at a timber five-bar gate, which would be replaced, and a bin store.
4. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate subject to a number of exceptions. The term 'building' refers to any structure or erection, and it therefore includes gates and walls. They are not in the list of exclusions at paragraph 154 of the Framework and the proposal is not an extension or alteration of the host dwelling. Therefore, when judged against the

wording of national policy, the fence is inappropriate development in the Green Belt.

5. Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) (EFDLP) does not deal with gates or walls any differently: The appellant states that they fall within exception c(iii), but, as I have found above, the proposal is not an extension of alteration of a building. Due to its scale, the proposal would not prejudice any of the purposes of including land in Green Belts but, according to the Framework, inappropriate development is harmful by definition.

Openness

6. The proposal would be a solid feature larger than that which it would replace. As such, it would have a spatial effect on openness. It would appear as a constriction to the lane between front gardens either side of it and so also have a visual effect. Overall, it would have a modest effect on openness.

Character and appearance

7. To the left of the appeal site as seen from the lane is a modern brick terrace of houses with integral garages, short open front gardens and a passage alongside the driveway. To the right is an older terrace set back behind driveways, with low or no walls or fences to the lane, lending an increasingly open feel in that direction.
8. Whilst cottages opposite the site have rendered walls and some of the integral garage doors are of similar materials to the proposed gate, they are not as close to the highway. The combination of the height and materials would be at odds with the modest set-back and materials of the adjacent terrace.
9. Therefore, there would be a conflict with EFDLP Policy DM9, which requires proposals to relate positively to their context and draw on local character.

Other considerations

10. I acknowledge the concern for safety and security following the reported incidents on or near the appeal property but am not persuaded that the proposal is the only or necessary means of addressing this. I also note the high gate opposite, which is of timber construction, has no flank walls and is close to an outbuilding. However, full details of the circumstances of this other gate are not before me. I therefore give both of these matters modest weight in my decision.

Conclusion

11. The proposal would be inappropriate development in the Green Belt. Substantial weight must be attached to any harm to the Green Belt. The proposal would also result in a modest reduction in openness and harm the character and appearance of the area. Even when taken together, the other considerations above do not clearly outweigh these objections. Consequently, very special circumstances do not exist, the proposed development would be contrary to EFDLP Policies DM4 and DM9 and the Framework, and the appeal should be dismissed.

S Simms

INSPECTOR