
Appeal Decision

Site visit made on 1 December 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2025

Appeal Ref: APP/J1535/W/25/3358500

White Cottage, Harlow Common, Hastingwood, Harlow, Essex CM17 9NF

- 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 Philip Hart against the decision of Epping Forest District Council.
 - The application Ref is EPF/1364/24.
 - The development proposed is described as 'gravel hard standing formed on an access way on land adjacent to White Cottage CM17 9NF'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision to refuse planning permission was issued on 15 October 2024 and the appeal was lodged on 7 January 2025. As this was made within the permitted 6 months' timeframe, I am satisfied that the appeal has been validly made and can proceed despite initially being turned away in error for not containing any reason for refusal.
3. A second decision notice issued 17 April 2025, sought to remedy the earlier omission and included a reason for refusal. An appeal¹ was lodged against it but this decision notice must be disregarded as there is no power for decisions to be withdrawn and reissued unless following the statutory procedure², which is not the case here.
4. Consequently, the appeal proceeds on the basis of the original decision. Without a formal reason for refusal, I have had regard to the Council's statement of case insofar as it clarifies the reasons why it refused planning permission, and the main issues below are formulated accordingly.
5. Both parties have had the opportunity of commenting on this approach, which does not give rise to any procedural unfairness.
6. The development proposed is retrospective and I was able to observe this in situ. I have dealt with the appeal on that basis.
7. The planning history points to planning permission having been granted in 2012³ for the change of use of land behind White Cottage and part of Harlow Common, to form part of its residential curtilage as well as the erection of a 'cartlodge'. It was

¹ reference APP/J1535/W/25/3372029

² set out at sections 97-100 of the Town and Country Planning Act 1990.

³ Planning Reference PL/EPF/0779/12

evident from my site visit that this permission has been implemented through the change of use of the land. A three-bay outbuilding, not previously shown on plan in 2012, has also been erected to the south-west of the enlarged garden. Its planning status is unclear. However, it is clear that the 2012 permission did not include the strip of land to which this appeal relates. No other planning history has been drawn to my attention. Therefore, whilst it does not explicitly say so within the description of development, I have dealt with the appeal on the basis that it also, implicitly, seeks a change of use of land to residential use, a matter I return to in my reasoning.

Main Issues

8. The main issues are:

- 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 development on the character and appearance of the area; and
- if inappropriate, whether the harm would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate

9. White Cottage lies amongst a small cluster of dwellings in a rural area and within the Metropolitan Green Belt. The dwelling is served by two existing access points from the highway. As well as a block paved area for parking, there is also a timber gate immediately adjacent to the cottage leading from the paved area into the garden. Its generous grounds extend back and behind open land that fronts the highway.
10. The development proposed relates to a strip of land adjacent to the western side of White Cottage, running outside the boundary hedgerow. Hardcore has been laid over what the appellant asserts is an existing access point. An undated historic aerial photograph shows a grassed access in the position of the hard standing. It is common ground that the proposal constitutes engineering works.
11. The Framework sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It lists a number of exceptions to inappropriate development, including engineering works at paragraph 154 h) ii), provided they preserve its openness and do not conflict with the purposes of including land within it. Similarly, Policy DM4 of the Epping Forest Local Plan 2011-2033 (LP) includes engineering operations as an exception to inappropriate development at d) ii) subject to the same tests as the Framework. Those same tests are also applicable for the exception at paragraph 154 h) v.) which exempts material changes in the use of land from being considered inappropriate.
12. In addition to the fundamental aim to prevent urban sprawl, by keeping land permanently open, the essential characteristics of Green Belts are their openness

and their permanence. The five purposes of the Green Belt are set out at paragraph 143 of the Framework which align with those contained in LP Policy DM4. One of these purposes is to assist in safeguarding the countryside from encroachment.

13. Whilst the extent of the proposal is limited to a relatively narrow, drive-way width strip of land, it has effectively extended the curtilage of White Cottage into the countryside for the full length of its original garden depth as this access only serves the dwelling. I am cognisant that Laurel hedgerow has been planted on its opposite side, such that the access track is effectively enclosed on both sides and physically and visually divorced from the adjacent open land. This soft landscaping limits the visual aspect of its effect on openness, and the lack of built form, spatially, preserves openness.
14. However, the presence of an additional, more formalised access track laid with hardstanding serving White Cottage has introduced a more urban form of development into the rural area than before, representing countryside encroachment. Consequently, it runs counter to the purposes of including land within it. It follows that the proposal constitutes inappropriate development in the Green Belt having regard to the Framework and LP Policy DM4.

Character and appearance

15. The submitted aerial photograph shows the access strip to have previously been grassed. As a natural, informal grassed access, it would have blended in with the adjacent hedgerow and vegetation, been visually discreet and appropriate for the rural, verdant nature of the area.
16. By contrast, the laying of the gravel has formalised the access, visually extending the built form into the countryside. Whilst the effect is minimised by the loose, unbound choice of material and by its limited extent, the proposal has nevertheless had a detrimental urbanising effect on the character and appearance of the area.
17. This conflicts with LP Policy DM9, which amongst other things, seeks high quality development that relates positively to its context, drawing on local character and the natural environment.

Other considerations

18. It has been drawn to my attention that nearly every dwelling along Harlow Common has a similar access drive to their property, which I acknowledge. However, the dwelling is already served by two domestic access points from the highway. Moreover, there is already a vehicular sized access gate directly into the garden from the side gate within the curtilage. Therefore, it has not been shown why it would be necessary to have an additional separate access that encroaches into the countryside. It follows that the laying of gravel as a solution to a muddy, overgrown access is also not shown as being necessary given my findings on its adverse effects which undermine the purposes of the Green Belt.
19. It has been put to me that the access has been in use for more than two decades and that the previous owner used the adjacent land for vehicular access to a garage and stables at the rear. However, limited details are before me and no lawful development certificate is advanced to confirm the lawfulness of the access use, and I cannot be certain that there is a realistic fallback position. In these

circumstances I attribute a minor level of weight to this factor. However, it is open to the appellant to apply to the Council for a separate determination under Sections 191/192 of the Town and Country Planning Act 1990, regardless of the outcome of this appeal.

The Green Belt Balance and Conclusion

20. The proposal would constitute inappropriate development in the Green Belt and would conflict with the purposes of including land within it as well as having a limited effect on its openness. As such, the Framework requires the harm by reason of inappropriateness to be given substantial weight and that inappropriate development should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.
21. Whilst the harm I have identified to both the Green Belt and to the character and appearance of the area is limited in extent, the totality of the harms has not been clearly outweighed by other considerations. These other considerations are not sufficient to comprise the very special circumstances necessary to justify the development. Consequently, the development is contrary to the Framework and LP policies DM4 and DM9.
22. I have considered all other matters raised but none are sufficient to outweigh the conclusions I have reached. For the reasons I have set out above, the appeal should be dismissed.

C Walker

INSPECTOR