



Appeal Decision

Site visit made on 10 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/N1540/W/25/3369271

10 Willowfield, Harlow, Essex CM18 6RR

- 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 Mrs Louise Revell-Kent against the decision of Harlow District Council.
 - The application Ref is HW/FUL/24/00459.
 - The development proposed is change of use from public to private land.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - Biodiversity.

Reasons

Character and appearance

3. The appeal site consists of a detached dwelling which is part of a group of dwellings built to the same design. An area of open space lies between the appeal property and the adjacent block of flats, which themselves are part of a group of three very similar buildings. Such areas of open land are also found between the blocks of flats, and smaller open areas are situated on some corners of junctions in the estate. These open areas provide a pleasant relief amongst an otherwise densely built urban area.
4. I note the allegations of poor maintenance of the land next to the appeal property, however at the time of my site visit the area was an attractive and maintained grassed area with mature trees. The carefully planned arrangement of the open areas together with the cohesive design of the buildings create a pleasing appearance and sense of spaciousness which contributes positively to the character and appearance of the area.
5. Policy PL6 of the Harlow Local Development Plan (2020) (LDP) relates to Other Open Spaces. Paragraph 13.42 of PL6 states that Other Open Spaces can include strips of landscaping next to a road and areas of land between buildings. The area of land between the appeal property and the block of flats would fall within this definition.

6. The appeal proposal would see a 3-metre-wide strip of the Other Open Space turned into a car parking space and garden area. The exact details have not been confirmed but the garden area would have some form of enclosure around it. There is an existing low wooden post and rail fence around part of the open space, however the area is not fully enclosed and the fence is very lightweight in appearance. Despite the modest width of the strip of land, the use of the land for car parking and as an enclosed garden area would erode the spaciousness of the open space. Even if no future building work or construction is carried out on the plot, should a low fence or hedge surround the proposed garden area then garden equipment such as seating and other items could be placed there and could be visible from public vantage points, which would highlight the change to a domestic use of the site. The proposal would therefore compromise the landscape character and openness of the area.
7. My attention has been drawn to 204b and 223 Willowfield, where open space adjacent to each property has been enclosed. However, no details of any planning permissions for these have been provided and, furthermore, it is unclear whether the areas of land which were enclosed were previously classified as Other Open Spaces. The area of land at 13 Old Orchard does not appear to include any form of enclosure. Moreover, none of these examples includes a car parking space. As such, these examples are not directly comparable to the scheme before me.
8. Based on the evidence before me, there is no indication that any of the trees in the open space would fall within the expanded garden area. In the event of the appeal being allowed, a suitably worded condition would ensure that a tree protection plan was submitted to and approved by the Council before development commenced. As such, the proposal would not conflict with LDP Policy PL7, which seeks to protect trees and hedges.
9. Notwithstanding this, for the reasons above the proposal would nonetheless cause harm to the character and appearance of the area. The proposal would therefore conflict with LDP Policies PL1, PL6 and PL8, insofar as they require development to protect and enhance local distinctiveness and take account of local character, to not compromise the landscape character and openness of the surrounding area, and for existing Green Infrastructure and landscaping to be protected and enhanced.

Biodiversity

10. The general biodiversity gain condition has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990 (as amended). The condition is deemed to apply to every planning permission granted for the development of land in England, unless exemptions apply. The de minimis exemption applies when the development does not impact an onsite priority habitat, and the development impacts less than 25 square metres of onsite habitat that has biodiversity values greater than zero and less than 5 metres in length of onsite linear habitat.
11. The submitted drawings and planning application statement show that the proposal would measure 3 metres x 25 metres, a total area of 75 square metres, whilst the appeal statement asserts the area of land would be 50 square metres. In either case, this would exceed the 25 square metres for the de minimis exemption. I have no evidence before me that any other exemption applies, and no site-

specific biodiversity information or analysis has been submitted. I am therefore unable to conclude that the biodiversity gain objective would be met. However, as I am dismissing the appeal on other grounds, I do not need to consider this matter further.

Other Considerations

12. The proposal would create one additional off-street parking space which would result in a small reduction in on-street parking. The appellant also refers to her daughter's health, however it has not been explained how a further off-street car parking space at the appeal property, in addition to the existing driveway, would lead to improvements in this regard. These matters therefore carry modest weight in favour of the proposal, however this would not outweigh the harm identified above.

Other Matters

13. Even the Council's estates department and other Council officials have no objections to the scheme, these are separate to the planning process and does not guarantee that the proposal would necessarily be acceptable in planning terms.

Conclusion

14. I conclude that 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. The appeal is therefore dismissed.

D Ellis

INSPECTOR