



Appeal Decision

Site visit made on 7 October 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2025

Appeal Ref: APP/J1535/D/25/3369709

Oakleigh House, Hamlet Hill, Roydon, Harlow, Essex CM19 5JZ

- 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 Mustaf Pnishi against the decision of Epping Forest District Council.
 - The application Ref is EPF/0464/25.
 - The development proposed is new triple car garage, tennis court and enclosure, football pitch together with boundary treatments to north western & south western boundaries, new access and gate onto southern boundary with Hamlet Hill and retaining walls, steps & fences within the site boundary.
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Decision

1. The appeal is allowed and planning permission is granted for new triple car garage, tennis court and enclosure, football pitch together with boundary treatments to north western & south western boundaries, new access and gate onto southern boundary with Hamlet Hill and retaining walls, steps & fences within the site boundary at Oakleigh House, Hamlet Hill, Roydon, Harlow, Essex CM19 5JZ in accordance with the terms of the application, Ref EPF/0464/25, subject to the following conditions:
 - 1) Development of the garage, tennis court and enclosure and football pitch hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out and retained in accordance with drawing nos GD2713/03; GD2713/04; GD2713/05; GD2713/06; GD2713/07; GD2713/08.
 - 3) No development of the garage and tennis court enclosure above ground level shall take place until samples of all external facing materials for the garage and tennis court enclosure have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.

Applications for costs

2. An application for costs was made by Mr Mustaf Pnishi against Epping Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. At the time of my site visit the boundary treatments to the north-western & south-western boundaries, the southern access and gate onto Hamlet Hill and the retaining walls, steps & fences within the site had already been completed and

appeared to be in accordance with the submitted drawings. I have therefore proceeded with the appeal on this basis. I have also removed the reference to the retrospective approval for these elements from the description of development in the banner heading above as this is not a term of development.

4. During the course of the appeal a new version of the National Planning Policy Framework was published for consultation. Having regard to the matters in dispute, its draft status and as its contents could change as a result of the consultation, I attach limited weight to it. I am therefore satisfied that the interests of neither party would be prejudiced by proceeding to determine the appeal without inviting comments.

Main Issues

5. The main issues are:
 - Whether the proposal would constitute inappropriate development for the purposes of development plan policy and the National Planning Policy Framework 2024 (the Framework), including 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 the surrounding landscape; and
 - Whether the proposed garage provides adequate parking provision.

Reasons

Inappropriate development and openness

6. The Framework establishes that new buildings and certain other forms of development in the Green Belt are inappropriate except in certain circumstances, which are listed in paragraphs 154 and 155.
7. The wording of Policy DM4 of the Epping Forest District Local Plan 2011-2033 (2023) (LP) is largely consistent with the Framework as it seeks to prevent inappropriate development in the Green Belt in accordance with national policy, although the wording of some of the exceptions to inappropriate development comes from previous versions of the Framework.
8. The term 'building' includes any structure or erection, therefore fences, walls and gates can reasonably be considered as 'buildings' for the purposes of the Framework.
9. Paragraph 154(g) of the Framework allows for the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
10. Both main parties agree that the appeal site constitutes previously developed land for the purposes of the Framework. Based on the evidence before me I have no reason to disagree.
11. Openness is an essential characteristic of the Green Belt, and one of the fundamental aims of the Green Belt is to keep land permanently open. The Planning Practice Guidance states that openness is capable of having both spatial

and visible aspects, so that both the visual impact of the proposal and its size may be relevant¹.

12. The proposal would see development in parts of the garden where no built form currently exists. As such the proposal as a whole would result in a visual and spatial reduction in the openness of the Green Belt. However, given the modest scale of each element, and as the development would be set in a residential garden against a backdrop of the main house and neighbouring built form, the reduction in openness would be limited.
13. Consequently, I conclude that the proposal would constitute the partial or complete redevelopment of previously developed land and would not cause substantial harm to the openness of the Green Belt. The proposal would therefore not be inappropriate development within the Green Belt. For these reasons, the proposal would satisfy Paragraph 154 of the Framework and the aims of LP Policy DM4.

Character, appearance and landscape

14. The appeal site comprises a detached dwelling on a large plot. The site lies between two built-up areas, with large greenhouses to the north, a nursery to the east and agricultural fields to the south and west. Overall the low density of development and the large, spacious plot contribute positively to the rural character of the area.
15. The enclosure around the tennis court is described as 3-metre-high green steel mesh fence. Substantive details of the mesh fence have not been provided however, owing to its distance from the road and the height of the boundary fence and hedge, the mesh fence would have very limited visibility from public vantage points.
16. The retaining walls have divided the large garden into smaller but still generously-sized areas. As such, the retaining walls, despite their height, have not substantially reduced the openness of the site. Furthermore, the mesh fence above the retaining walls is of a lightweight appearance which does not have a significant visual effect.
17. The access gate would provide a second access to the site to serve the proposed garage, which is not unreasonable as the main house and current layout of the garden would prevent access to the garage from the western access. It is unclear why there would need to be a one way in and out facility, or how this affects the character and appearance of the site. The amount of hardstanding would be proportionate given the size of the garden. The boundary wall and fence are largely obscured by vegetation which substantially reduces their visual impact. Furthermore, the boundary wall, fence and access gate are of a similar height to existing boundary walls, fences and gates nearby, including at the adjacent nursery, and thus would not appear out of place.
18. The Council raises no objections in relation to the appearance of the garage and the football pitch and based on the evidence before me I have no reason to disagree.
19. For these reasons the proposal, including the elements which have already been built, would not cause harm to the character and appearance of the area or the

¹ Planning Practice Guidance, Paragraph: 013 Reference ID: 64-013-20250225

surrounding landscape. The proposal would therefore accord with LP Policies DM3 and DM9, insofar as they require development to be sensitive to their setting in the landscape, and to contribute to the distinctive character of the local area and relate positively to its context.

Garage and parking provision

20. It is accepted that the proposed garage would fall short of the minimum garage dimensions as set out in Table 7-4 of the Essex Parking Guidance 2024 Part 1. However, these minimum dimensions are guidance only and, furthermore, the appeal site would have ample space for car parking on the new areas of hardstanding, in addition to the existing parking arrangements next to the main house. It has therefore not been demonstrated that the proposed garage would result in a lack of provision of appropriate parking.
21. The proposal would therefore comply with LP Policy T1, insofar as it requires development to provide appropriate parking provision.

Conditions

22. The standard commencement condition is necessary for the elements which have not yet been constructed, namely the garage, tennis court and enclosure and football pitch. In the interests of certainty, a condition is required to ensure that these elements are built in accordance with the submitted drawings, whilst ensuring that the boundary treatments, new access and gate and retaining walls, steps and fences remain in accordance with the submitted drawings.
23. Specific details of the materials for the garage and the tennis court enclosure have not been provided. Therefore, in the interests of the character and appearance of the area a condition is necessary to require the submission and approval of details of exterior materials of these elements.

Conclusion

24. For the reasons given above I conclude the appeal should be allowed.

D Ellis

INSPECTOR