
Appeal Decision

Site visit made on 9 December 2025

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

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/J1535/W/25/3373431

21D Ivy Chimneys, Epping CM16 4EL

- 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 Bryan against the decision of Epping Forest District Council.
 - The application Ref is EPF/0641/25.
 - The development proposed is the erection of one detached residential dwelling including parking, landscaping, drainage and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of one detached residential dwelling including parking, landscaping, drainage and associated infrastructure at 21D Ivy Chimneys, Epping, CM16 4EL in accordance with the terms of the application, ref. EPF/0641/25, and the plans submitted with it, subject the conditions in the attached schedule.

Main Issues

2. The main issues are whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) (issued in December 2024) and any relevant development plan policies and the effect of the proposal on the openness of the Green Belt.

Reasons

3. Development within the Green Belt is inappropriate unless one of the exceptions in paragraph 154 of the Framework apply or all the criteria in paragraph 155 are met. The appellant contends that the proposed development falls within exception g) in paragraph 154 and meets all the criteria in paragraph 155. Exception 154 g) is "... redevelopment of previously developed land ... which would not cause substantial harm to the openness of the Green Belt."
4. Policy DM4 of the Epping Forest District Local Plan 2011 – 2033 (EFDLP) excepts "... redevelopment of previously developed land ... which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." Whilst the appeal site was previously developed as stables and hardstanding, it has since been cleared, so the proposal would inevitably have greater impacts. Nonetheless, it remains previously developed.
5. The proposal would be visible from access land to the north and public rights of way to the east but would be smaller than, and seen in the context of, the recently built houses on the same drive. Furthermore, the site is tucked into the head of a minor valley, the higher ground surrounding which comprises development along

the main road or woodland, from which views are limited. Therefore, I conclude that the proposal would not cause substantial harm to openness.

6. Thus, I have found that the proposal entails the redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. It would therefore not be inappropriate development in the Green Belt, as defined by paragraph 154 g) of the Framework and there is no need for me to conclude as to whether all the criteria of paragraph 155 of the Framework are met.

Other Matters

7. A dwelling in a sustainable location would add to the housing supply, support the local economy and realise opportunities from existing infrastructure on the rest of the drive, all of which are benefits. Considering recent housing delivery below the requirement in strategic policies, I attach moderate weight to these.
8. The appeal site is within the zone of influence of the Epping Forest Special Area of Conservation (EFSAC), a European site as defined in the Conservation of Habitats and Species Regulations 2017 (as amended) (the Regulations). Consequently, it is necessary for me to consider the effect of the proposal on the EFSAC.
9. Additional residents in the area are likely to visit or drive through the EFSAC and increase recreational pressure and atmospheric pollution. The appellant has made a unilateral undertaking to contribute financially to the Epping Forest Strategic Access Management and Monitoring Strategy and Air Pollution Mitigation Strategy.
10. Furthermore, the appellant agrees to conditions requiring electric vehicle charging points (EVCPs) and superfast broadband, to reduce air pollution and the need to travel. Consequently, and overall, I am satisfied that the proposal would not have an adverse impact on the integrity of the EFSAC.

Conditions

11. As well as the standard time limit and drawings, the Council suggests conditions on contaminated land, site and floor levels, EVCPs, surface water drainage, superfast broadband, water efficiency, and restricting permitted development.
12. These are intended to ensure compliance with Policies T1, DM2, DM4, DM9, DM15, DM16, DM18, DM19, DM21, DM22 and D5 of the EFDLP on sustainable transport, the EFSAC, Green Belt, design, flood risk, sustainable drainage, water efficiency, contaminated land, air quality and communications.
13. The appellant accepts these conditions, which I have clarified and simplified. I have removed references to phasing and demolition from the contaminated land condition, due to the size of the proposal and the cleared site, and omitted Classes AA, C, and D from the permitted development rights withdrawn, since Class AA does not apply to dwellinghouses constructed after 28 October 2018 and Classes C and D permit minor changes with limited impacts on openness or character.
14. Whilst I note that the County Council's ecology officer objected due to the lack of information with respect to biodiversity net gain (BNG), including its possible prior loss due to degradation, I have no evidence that the minimum information was not supplied and the condition requiring a Biodiversity Gain Plan will apply.

Planning Balance and Conclusion

15. Paragraph 232 of the Framework states that weight should be given to policies adopted prior to its publication, according to their degree of consistency with the Framework. Policy DM4 of the EFDLP is not consistent with the Framework in respect of the assessment of harm to the openness of the Green Belt of the partial or complete redevelopment of previously developed land or in respect of grey belt development. As a result, it should now be given lesser weight.
16. Whilst the proposal would have greater impacts than the existing development, contrary to Policy DM4 of the EFDLP, I accordingly attach limited weight to this conflict. I have also found that the proposal would not cause substantial harm to openness and falls within exception g) in paragraph 154 of the Framework. The proposal would therefore not be inappropriate development in the Green Belt, as defined by the Framework, and so I find no harm in this regard.
17. I note that the appellant considers that the Council cannot demonstrate a five-year supply of deliverable housing sites and that housing delivery is substantially below the requirement over the previous three years. However, even if the presumption in favour of sustainable development did not apply in this case, I have identified only limited harm in the conflict with Policy DM4 of the EFDLP, so that the benefits of the proposed development would in any case outweigh this.
18. For the above reasons, whilst the development would conflict with policies of the development plan, material considerations – particularly the Framework – indicate otherwise than to determine in accordance with it. Having had regard to all matters raised, I conclude that the appeal should be allowed.

S Simms

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. 229-3GA-02, 229-3GA-03, 229-3GA-04, 229-3GA-05, 229-3GA-06, 229-3GA-07, 229-3GA-08, 229-3GA-09 and 229-3GA-10.
- 3) No development shall take place until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency, Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), has been submitted to and approved in writing by the local planning authority. If any contamination is found, no development shall take place until:
 - i. a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the development hereby permitted has been submitted to and approved in writing by the local planning authority;
 - ii. the site has been remediated in accordance with the approved measures and timescale; and
 - iii. a verification report has been submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended until:

 - iv. additional measures for the remediation of the site have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority; and
 - v. a verification report for all the remediation works has been submitted to and approved in writing by the local planning authority.
- 4) No works shall take place above foundations until full details of levels have been submitted to and approved by the local planning authority showing cross-sections and elevations of the levels of the site prior to development and proposed levels of all ground floor slabs of buildings, roads, accesses and landscaped areas. The development shall be carried out in accordance with those approved details.
- 5) No works shall take place above foundations until the specification and location of active Electric Vehicle Charging Points (EVCPs) have been submitted to and approved in writing by the local planning authority. The EVCPs must be installed in accordance with the approved details and operational prior to first occupation.
- 6) No ground works shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme, which shall be provided on site prior to the first occupation and retained for the lifetime of the development.

- 7) Prior to first occupation, the necessary infrastructure shall be provided to the dwelling to enable its connection to a superfast broadband network or alternative equivalent service.
- 8) Prior to first occupation, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres (or less) per person per day.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, B and E of Part 1 to Schedule 2 shall be undertaken, without the prior written agreement of the local planning authority.

[SCHEDULE ENDS]