



Appeal Decision

Site visit made on 20 January 2026

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Appeal Ref: APP/J1535/W/25/3376110

Land adjacent 1-2 Forest Cottages Woodside, Epping CM16 6LG

- 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 H Wellford against the decision of Epping Forest District Council.
 - The application Ref is EPF/0630/25.
 - The development proposed is detached two storey dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Whilst the appellant has stated that the description of development has not changed since that provided on the application form, a different description is provided on the appeal form. No evidence has been provided identifying that the amended description was formally agreed to by the parties, as such I have used the description provided on the application form in the banner heading above.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to relevant development plan policies, the provisions of the National Planning Policy Framework (the Framework) and the effect on the openness of the Green Belt;
 - whether the proposal would preserve the setting of the neighbouring Grade II Listed Buildings, 1-2 Forest Cottages and Park Place;
 - the effect of the proposal on ecology;
 - the effect of the proposal on highway safety; and
 - if the proposal would be inappropriate development 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 it.

Reasons

Whether the proposal would be inappropriate development

4. There is no dispute between the parties that the appeal site is located within the Green Belt. Part B of Policy DM4 of the Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 (LP) states that within the Green Belt planning permission will not be granted for inappropriate development, except in very special circumstances. This approach is in accordance with paragraph 153 of the Framework. Paragraph 142 of the Framework identifies that the essential characteristics of Green Belts are their openness and their permanence.
5. Policy DM4 of the LP sets out certain exceptions where development would not be inappropriate development. Criteria (vi) of Part C of the Policy states that one exception is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), 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.
6. The Council refer to paragraph 154 g) of the Framework as the relevant exception to consider in this case and the appellant has not suggested otherwise. Paragraph 154 g) states that one exception includes limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
7. The final criterion set out under (vi) of Part C of Policy DM4 is therefore not consistent with paragraph 154 g) of the Framework, requiring that a development 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, rather than whether it would cause substantial harm to the openness of the Green Belt. Given the Framework is more recent than the LP, and that both parties have referred to paragraph 154 g), I will consider the Framework wording in my assessment of this case.
8. The term 'limited infilling' is not defined in the Framework. The supporting text to Policy DM4, identifies that for the purposes of the policy, 'limited infilling' means the development of a small gap in an otherwise continuous built up frontage, or the small-scale redevelopment of existing properties within such a frontage. I find this to be a common interpretation of the term 'limited infilling', and I find it to be a reasonable consideration in this case.
9. The site is laid to grass with frontage onto the road. A close boarded fence with gates currently sits along the boundary adjacent to the road. The appellant asserts that the site previously formed part of the rear garden to the neighbouring dwelling, Park Place. To the east of Park Place is open countryside. Adjacent to the west are existing dwellings 1-2 Forest Cottages and Forest House, with an area of open countryside separating these properties from further development to the west, including Woodside Industrial Estate. Directly opposite the appeal site is an area of woodland and beyond to the rear is open countryside. Further to the southeast beyond the extensive area of woodland is a small caravan site.

10. Whilst 1-2 Forest Cottages would be directly adjacent the site to the west, there would be a large undeveloped area to the east between the site and the built form of Park Place. Whilst this may be an area of garden land associated with Park Place, it is a large area and the distance between the built form of 1-2 Forest Cottages and Park Place would be significant and would not constitute a small gap in my view. Given the sporadic nature of development in the immediate surroundings, there are also undeveloped areas of land beyond 1-2 Forest Cottages and Forest House to the west and beyond Park Place to the east. The land opposite and to the rear of the site is also undeveloped. I therefore do not consider the site to be within an otherwise continuous built up frontage.
11. Taking these matters together, I do not consider that the proposal would result in a development that would constitute limited infilling.
12. The exception at paragraph 154 g) also allows for the partial or complete redevelopment of previously developed land, subject to the effect on openness being considered. Openness has both spatial and visual aspects.
13. Notwithstanding the boundary fence along the roadside, the appeal site currently appears spacious, open and rural in character. The proposal is for a single detached two storey dwelling which would introduce a significant amount of built form onto the appeal site where there is currently no development. In addition, the inevitable hardstanding, parking and domestic paraphernalia would also cumulatively add to the presence of development at the site. Therefore, the proposal would result in a significant loss of spatial openness. Despite the setback position, the proposal would be clearly discernible from the road, through the access point and above the front boundary treatment and as such, it would also result in a loss of visual openness. I find that, even if the site were to be previously developed land, the proposal would have a significant impact both spatially and visually and consequently, it would result in substantial harm to the openness of the Green Belt.
14. I therefore conclude that the proposal would not fall under the exception set out under paragraph 154 g) of the Framework and as such it would represent inappropriate development in the Green Belt. Consequently, under Part B of LP Policy DM4 and the requirements of the Framework, planning permission should not be granted except in very special circumstances. I will return to this matter later in my decision.

Setting of neighbouring Grade II Listed Buildings, 1-2 Forest Cottages and Park Place

15. As required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the listed buildings or their setting or any features of special architectural or historic interest which they possess.
16. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This requirement is replicated in Part E of Policy DM7 of the LP. Paragraph 213 of the Framework goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.

17. 1-2 Forest Cottages is a Grade II listed two storey dwelling located directly adjacent to the appeal site. The list description identifies the building as a pair of 17th/18th Century cottages, now converted into a single dwelling, constructed of timber framing with weatherboarding and plaster forming the elevations under a handmade red clay tile roof. Park Place is also Grade II listed and is located to the east of the appeal site, with an area of intervening undeveloped land situated between the two. Park Place is an early 19th Century two storey house with later alterations formed of brick with roughcast render, under a hipped slate roof.
18. I note the Council raised concerns about insufficient information being submitted in respect of heritage matters. Whilst the information before me is limited, I am satisfied that I have enough evidence before me to consider this matter.
19. From the written evidence before me and what I witnessed during my site visit, I find that insofar as is relevant to this appeal, the special interest and significance of both the listed buildings are derived from their historic and architectural merit, including their age, form, use of traditional materials and construction methods and inherent rural character. The spaciousness of their rural setting also contributes to their significance. The site is identified as once being part of the grounds of Park Place, and visually it still provides part of the open and undeveloped surroundings of both Park Place and 1-2 Forest Cottages, contributing positively to the setting of both.
20. The external spaces and boundary treatments that sit around both listed buildings, would remain undisturbed by the proposal. It is proposed to locate the dwelling centrally within the site, set off from both the eastern and western boundaries, meaning that there would be some separation between the built form of the proposed dwelling and the listed buildings.
21. However, notwithstanding that the proposed dwelling would be setback slightly further into the site than 1-2 Forest Cottages, given the proximity of the proposed dwelling to the western boundary, it would be clearly seen alongside this listed building. The scale, massing and design of the proposed dwelling along with its proposed siting would significantly alter the rural setting that 1-2 Forest Cottage is currently experienced in, when viewed from Woodside. The streetscene drawing provided does not suggest that the proposal would appear subordinate to 1-2 Forest Cottages, given the size of the proposed dwelling and design approach taken. I do not find that the use of materials found in the locality or the provision of additional landscaping would overcome my concerns in this regard.
22. I therefore find that the legibility of the association between both the listed buildings with adjacent land, including the site, which is more rural in character would be weakened. This would be more severe in the case of 1-2 Forest Cottages, given the more intimate relationship that would result.
23. Consequently, based on the evidence before me, I find that the proposal would not preserve the setting of the Grade II listed 1-2 Forest Cottages and Park Place. Given the nature of the proposal, the effects on the significance of these listed buildings would constitute less than substantial harm in the context of the Framework. Within the less than substantial categorisation, the amount of harm would be at the lower end of the spectrum. However, I am mindful of my statutory duties, and this is a matter to which I attach considerable importance and weight.

24. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This requirement is replicated in Part F of Policy DM7 of the LP.
25. The proposal would provide one additional dwelling and so would contribute to the housing supply in the area. There would also be economic benefits during construction and after with future occupants supporting the local economy. Some environmental benefits could result through ecological enhancements and additional landscaping. Nevertheless, these benefits would be limited, given the scale of the proposal.
26. I therefore find that the proposal would result in harm to the setting and significance of the neighbouring Grade II listed buildings and the public benefits of the scheme would not outweigh the less than substantial harm that would be caused to their significance. The proposal would therefore be contrary to Policy DM7 of the LP, the aims of which are set out above. It would also conflict with Policy DM9 of the LP, which requires, amongst other things, that development proposals relate positively to their context including the historic environment.

Ecology

27. The site is located directly opposite a large area of woodland referred to by the parties as Wintry Wood/The Lower Forest which is a Site of Special Scientific Interest (SSSI). There are a number of trees and hedgerows within the site and in the surrounding area as well as ponds present on neighbouring land. Given the surrounding context, the close proximity of the SSSI and the undeveloped nature of the site I find it reasonable to consider that there may be protected species, priority species, priority habitat or other valuable habitat that may be affected by the proposal.
28. A Habitat Regulations Assessment Screening Report (HRASR) was submitted with the planning application, alongside a Tree Survey (TS). The TS identifies four trees and two hedgerows on the site which are identified as being retained. The HRASR sets out some commentary about why the site may not be conducive in providing habitat and that it is quite barren of wildlife currently. The report goes on to state that what wildlife was seen will not be directly impacted, but there are no survey findings, nor any details provided on the methodology used for the survey work which demonstrates how this conclusion was arrived at.
29. Whilst I note that the HRASR suggests that biodiversity could be improved through a planting scheme, without knowing what the potential impacts are, it is not possible to conclude what mitigation, or enhancements might be necessary or suitable in this case. I do not consider that this matter could be dealt with by condition given it relates to the potential effects on protected species which should be established before permission is granted.
30. Given the limitations of the HRASR, I find that there is insufficient information to demonstrate that the proposal would not result in harm to ecology. Consequently, the proposal is contrary to Policies DM1 and DM9 of the LP. These policies seek, amongst other things, that developments respond to the biodiversity of the site and its surroundings and that in cases such as this, a full survey and site assessment is submitted.

Highway safety

31. I note that the appellant intends to replace the front boundary fencing with a lower alternative to improve visibility of the highway from the access point, if the appeal is allowed. However, if sufficient visibility levels cannot be achieved, there would not be adequate time to react to oncoming users of the highway. This would lead to an increased risk of collisions in the area, to the detriment of highway safety. Therefore, it is important that sufficient evidence is provided to demonstrate that adequate visibility could be achieved.
32. At my site visit, when stood at the access point in front of the gates, I found it likely that visibility to the left may be possible due to the alignment of the road in that direction. However, the view to the right was significantly restricted by the close boarded boundary fence and due to the bend in the road outside of 1-2 Forest Cottages.
33. A Sight Lines drawing was submitted with the appeal which does provide certain measurements. However, as noted above, I witnessed a bend in the road where the frontage of 1-2 Forest Cottages is located. This is not shown on the Sight Lines drawing with the road identified as being straight. There is also no surrounding context shown on the Sight Lines drawing to fully establish the location of the access in comparison to that shown on the proposed block plan. Therefore, without further details, I am not satisfied that sufficient visibility has been demonstrated, even if the existing front boundary fence was reduced in height.
34. I therefore find that there is insufficient information before me to demonstrate that there would not be a harmful effect on highway safety. The proposal is therefore contrary to Policy T1 of the LP which seeks, amongst other things, that developments do not compromise highway safety.

Other considerations

35. The proposal would result in one additional dwelling, contributing to the housing supply. The description of development on the appeal form suggests that the dwelling might be a self-build development, but there is no mechanism before me to ensure it would be secured as such. Nevertheless, along with the social benefits that a new dwelling would bring, there would also be economic benefits during the construction phase, and after with future occupants supporting local services and facilities. The appellant contends that the proposal would include additional landscaping and biodiversity enhancements which would contribute positively to the environment. Nevertheless, given the scale of the proposal, these benefits would be limited.
36. It is asserted that the proposal would respond positively to the pattern of development. It is also stated that the dwelling would be constructed to a high design standard, using materials reflective of local character and that future occupants would have access to existing infrastructure and services. Even if I were to agree, policy compliance in respect of these matters would be a neutral consideration that would weigh neither for, nor against the proposal.
37. No objections were raised by neighbours, and the Council did not raise any concerns about the living conditions of future occupants or neighbouring occupiers. A lack of harm in respect of amenity matters would weigh neither for nor against the scheme.

Green Belt Balance

38. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt, and any other harm, are clearly outweighed by other considerations.
39. I have concluded that the appeal scheme would be inappropriate development and would, by definition, harm the Green Belt. I have also found harm to the openness of the Green Belt.
40. In addition, I have also found harm to the setting and significance of designated heritage assets which would not be outweighed by public benefits, and insufficient information to demonstrate that the proposal would not have a harmful effect on ecology and highway safety.
41. The other considerations I have identified hold limited weight in favour of the proposal. Consequently, these considerations, along with all other matters identified in the evidence, do not clearly outweigh the identified harm to the Green Belt, either individually or cumulatively, and the other harm I have identified, so as to amount to the very special circumstances necessary to justify the development.

Other Matter

42. The Council's fifth reason for refusal related to the effect of the development on the integrity of the Epping Forest Special Area of Conservation (SAC). The Council assert that the proposal would result in a net increase in traffic and recreational pressure. Based on the evidence before me, likely significant effects on the qualifying features of the SAC cannot be ruled out. However, Regulation 63(1) of The Conservation of Species and Habitats Regulations 2017 (as amended) indicates that the requirement for an appropriate assessment is only necessary where the competent authority is minded to give consent. As the appeal is being dismissed on other grounds it is not necessary for me to consider this matter further.

Conclusion

43. The proposal conflicts with the development plan when read as a whole. There are no material considerations, including the Framework, that indicate a decision other than in accordance with it. The appeal is therefore dismissed.

G Dring

INSPECTOR