



Appeal Decision

Site visit made on 9 March 2026

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2026

Appeal Ref: APP/J1535/W/25/3376859

Land adjacent to Epping Road and School Road, Toot Hill

Grid Reference Easting: 551534, Grid Reference Northing: 202297

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mark Readman against the decision of Epping Forest District Council.
 - The application Ref is EPF/0718/25.
 - The development proposed is outline planning application (all matters reserved except for access points to the development proposed) for 10 dwellings, parking, landscaping, associated infrastructure and demolition.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved except for access. I have determined the appeal on this basis and have regarded the details shown on the submitted plans as illustrative, save for the proposed access arrangements.
3. The appeal documents include signed Unilateral Undertakings (UU), a Habitats Regulations Assessment, and a Heritage Statement that were not before the Council when it determined the application. The Council has had the opportunity to comment on these documents as part of the appeal process and, therefore, I am satisfied that no prejudice is caused in me taking them into account in my decision.
4. Because the site lies close to listed buildings, I have had special regard to my statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
5. Notice was not served on all landowners of the site until after the appeal was submitted. However, I have seen and taken account of written comments submitted by each of the landowners and, therefore, I am satisfied that no procedural unfairness has arisen in me deciding the appeal.

Main Issues

6. The main issues are:
 - the effect of the proposal on the setting and significance of nearby listed buildings and non-designated heritage assets (NDHAs);
 - whether or not the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt;

- if the development would be inappropriate, whether the harm to the Green Belt 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

Nearby listed buildings and NDHAs

7. The Grade II listed building entitled 3 and 5 Epping Road¹, also known as “Bentons”, lies opposite the appeal site, and adjacent to a triangular green (the green). According to the list entry, the building comprises two single-storey cottages, although the Heritage Statement indicates that the building is now a single home. Bentons is thought to date from around the 18th Century or earlier with later alterations and additions, and it is described in the list entry as timber framed with a tiled roof, gabled dormers, and chimneys. The historic and architectural interest of the built form and fabric, along with the age of the building, provide evidence of past development in this area and thus these factors contribute to the special interest of the listed building.
8. Bentons is set back deeply from the road on a well-vegetated site and is one of a few sporadic buildings that have established to the south of the green. The immediate environment around the building, including the green and the golf course, is notably sylvan and largely devoid of buildings. These characteristics continue opposite, where the undeveloped field that comprises the appeal site and the uninterrupted treeline and the grass verge along its frontage add positively to the verdant rurality of the building’s surroundings. The green and undeveloped character of the setting of Bentons enables the building to be experienced as part of the wider historic rural surroundings, where mapping evidence shows Toot Hill comprised small and well-spaced clusters of buildings interspersed with fields. These aspects of the building’s setting contribute to its significance.
9. Given that the appeal scheme was submitted in outline form, there is no confirmed detailed design or layout of the proposal before me. Nonetheless, even if the buildings would be of a similar size, height, form, and appearance to other properties in the area, there would be a significant increase in the built form on this currently undeveloped site, which would lead to a loss of spatial openness around Bentons. Moreover, the opening in the treeline associated with the formation of the proposed southern access would occur close to Bentons and would significantly erode the verdant character of the building’s immediate setting, instead offering up direct views of the new road and towards the associated built form. This aspect of the proposal would harmfully urbanise the immediate setting of the designated heritage asset and it would detract from how the listed building is experienced and understood within its rural setting. The appellant’s own Heritage Statement concludes that the visual and spatial change to the setting of Bentons would cause harm to the designated heritage asset, and I concur with this conclusion.
10. Other listed buildings in proximity to the appeal site are the Grade II listed Bugle Cottage², and the Grade II listed farmhouse³, granary⁴, and outbuilding⁵ which

¹ List entry 1124023

² List entry 1124007

³ List entry 1124006

⁴ List entry 1337537

⁵ List entry 1169168

form part of the Steers Farm complex. These buildings all derive some significance from their age and their architecture, which reveal information about the period in which they were constructed. The Steers Farm buildings also have group value which, collectively, provide evidence of the agricultural history and farming practices in this area.

11. The Heritage Statement says that the appeal site, along with many other fields in the area, previously fell under the same ownership as Steers Farm. Therefore, there is some historic functional connectivity between the site and the listed farm buildings. However, in the present day, the site is physically and visually separated from the farm by intervening development and there is no evidence before me of any retained functional association. There is also limited visual connectivity between the site and Bugle Cottage due to the intervening house and vegetation; and the cottage is best experienced from School Road to the south of the green. Therefore, whilst the appeal site forms part of the wider spacious and verdant setting of Bugle Cottage and Steers Farm, it does not contribute to their special interest insofar as it is relevant to this appeal. It follows that there would be no harm to the significance of these buildings arising from the proposal.
12. There are two NDHAs close to the appeal site comprising a cast iron finger post and a telephone kiosk. From my observations, the finger post and the kiosk have special interest, in part, because they provide evidence of long-established wayfinding and communication methods in this part of the countryside; and they gain some significance from their siting at a prominent rural road junction. However, the wider surroundings, including the appeal site, is of neutral value to the special interest of the NDHAs and thus their significance would be preserved if the appeal were to be allowed.
13. The harm that would be caused to the significance of Bentons through development within its setting would be less than substantial in the terms of the National Planning Policy Framework (the Framework) and at the low end of the range within this category. However, the less than substantial harm does not equate to a less than substantial planning objection, and I ascribe great weight to the conservation of the listed building, as the Framework requires. Indeed, the Framework states that any harm to the significance of a designated heritage asset, including harm caused through development within its setting, requires clear and convincing justification. It goes on to say that the less than substantial harm should be weighed against the public benefits of the proposal.
14. The proposal would deliver ten dwellings, which would make a meaningful contribution to local housing needs in an area where the most recently published Housing Delivery Test (HDT) indicates a past shortfall in housing delivery. The accommodation is proposed to be accessible and adaptable, and of mixed sizes, and it would therefore help to meet the wide-ranging needs of potential future occupiers. There would also be economic benefits associated with the construction phase and through increased spending on local services by new residents. The Framework seeks to significantly boost the supply of homes and to ensure the delivery of homes to meet the needs of different groups in the community. In the circumstances of this appeal, the social and economic public benefits that would arise through the delivery of ten homes carry significant positive weight.
15. Environmental public benefits would arise through the delivery of a net gain in biodiversity and the implementation of the proposed renewable energy and

sustainable construction measures. The proposal would therefore support the national objectives to mitigate and adapt to climate change, including moving to a low carbon economy and improving biodiversity. These public benefits carry moderate weight because the extent of the benefits would be limited in actual terms due to the scale of the scheme. Whilst the scheme has the potential to improve public safety through additional natural surveillance, I attach limited weight to this benefit because the design and layout of the scheme is only illustrative at this stage and, therefore, there is uncertainty over matters such as lighting, window placement, and landscaping.

16. It is inevitable that there would be some spatial change to the setting of Bentons if this site were to be developed for housing, and the retention of the frontage trees would, to a degree, safeguard the verdancy of the building's immediate context, particularly if the built form had a low profile. However, I am not persuaded that the harm that would be caused through the siting of the proposed southern access so close to the listed building is necessary to achieve these public benefits, particularly given there is another access point proposed further north off School Road. Consequently, the harm that would be caused lacks clear and convincing justification. I therefore find that the public benefits in this case are not sufficient to outweigh the harm to the significance of the listed building through development within its setting, which is a matter of considerable importance and weight.
17. I have not identified harm would arise to the significance of Bugle Cottage, the listed buildings at Steers Farm, or the two nearby NDHAs. However, having regard to my duties under the Act, I find there would be harm caused to the setting and significance of the Grade II listed 3 and 5 Epping Road that would not be outweighed by public benefits. The proposal would therefore fail to satisfy the requirements of Policies DM7 and DM9 of the LP and the historic environment provisions of the Framework which, taken together, seek to ensure that developments relate positively to their context and preserve or enhance the settings and significance of designated heritage assets.

Whether inappropriate development

18. The site lies within the Green Belt, where the fundamental aim is to prevent urban sprawl by keeping land permanently open. The Framework states that development in the Green Belt is inappropriate, other than in the few exceptions set out in paragraphs 154 and 155 of the Framework. Policies SP5 and DM4 of the LP, when read together, also seek to protect the openness of the Green Belt from inappropriate development. The list of exceptions to Green Belt policy set out in Policy DM4 has not been updated since the most recent version of the Framework was published. Where there are relevant Green Belt provisions in the Framework that are not referred to within Policy DM4, I have considered the proposal against the requirements of the Framework.

Limited infilling in villages

19. Paragraph 154e) of the Framework states that proposals comprising "limited infilling in villages" would not be inappropriate development in the Green Belt. To fall within this exception, the development proposal must be "limited", it must comprise "infilling", and it must be located within a "village". These terms are not defined in the Framework and, therefore, whether they apply to the proposal is a

matter of planning judgement based on a range of relevant factors, including the provisions of the development plan and the circumstances on the ground.

20. Policy DM4 C. (v) of the LP includes a similar exception to paragraph 154e) of the Framework, although it refers to “rural communities” rather than villages. I have not been provided with a definition of “rural communities”. However, given the need for consistency with the Framework, I have taken it to have the same meaning as “villages” insofar as it applies to Green Belt policy. The supporting text to Policy DM4 of the LP states that:

“For the purposes of Policy DM4, “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. It also includes infilling of small gaps within built development. Limited infilling should be appropriate to the scale of the locality and should not have an adverse impact on the character of the countryside or the local environment”.

21. From my observations, the core of Toot Hill comprises development that extends north-south along School Road, with more sporadic buildings located opposite the appeal site to the south of the green. Given the number of buildings here, their proximity to one another, and the presence of a public house and village hall, this area has the character of a small rural settlement. There is also a ribbon of houses to the west of the site on Epping Road. However, the ribbon of houses to the west is visually and physically separated from the core of Toot Hill by a tight bend in the road and the large field fronted by trees which includes the appeal site.
22. Due to the long length of its curved frontage along Epping Road, and the well-established trees here, the appeal site provides a wide visual and physical break between these two areas of built form, such that they are experienced on the ground as two discrete groups of properties separated by a large gap, rather than as a continuous built-up frontage. Consequently, the site does not have the character of a “small gap in an otherwise continuous frontage” and the proposal would not accord with the definition of “limited infilling” in the LP.
23. Due to the size and shape of the site, the ten dwellings proposed would, in all reasonable likelihood, extend across the full and broad width of the site. Whilst the proposal would therefore occupy most of the wide gap between the nearest properties either side, it would add significantly to the overall quantum of the built form on this side of the road. Consequently, the proposal would not be “limited” in terms of its scale relative to the site or to the existing settlement. Moreover, due to the set back of the dwellings behind the treeline, the development would not have the appearance of a frontage scheme and, therefore, it would lack continuity with the form of the dwellings to the north and the south in terms of their direct relationship with the road. For this reason, the development would not have the character of “infilling”. Overall, the proposal would not be “limited infilling” even if I were to disregard the definition in the LP.
24. Toot Hill is not listed as a village in the LP nor is there substantive evidence to show it is listed as a hamlet or any other form of settlement. However, the list of settlements in the LP is not the only relevant factor in determining the classification of Toot Hill. Indeed, the Council referred to the settlement as a village in its consideration of a separate planning application⁶ and in its evidence in relation to

⁶ Delegated Report for planning application reference EPF/1036/22

an appeal scheme with a Toot Hill address⁷. However, even if the circumstances on the ground led me to conclude that Toot Hill is a village, the proposal would not be “limited infilling”. Therefore, the proposed development would not be “limited infilling in a village” and the exception listed in paragraph 154e) of the Framework and Policy DM4 of the LP do not apply to the scheme.

25. In coming to this view, I have had regard to the appeal decisions at Havering-atte-Bower⁸ and Diggle⁹, where the proposals were each accepted to be limited infilling in a village based on an assessment of the proposals and the specific characteristics of the sites and settlements. However, those schemes involved a single dwelling and extensions to an existing building respectively, and therefore they are not directly comparable to this proposal by way of their scale. Consequently, I do not find those appeal decisions to be determinative to my conclusions in respect of limited infilling in this case.

Grey Belt

26. Paragraph 155 of the Framework states that the development of homes in the Green Belt should not be regarded as inappropriate where the development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan; and where all other specified circumstances set out in paragraph 155 apply.
27. It is common ground that the appeal site comprises land that does not strongly contribute to any of the Green Belt purposes (a), (b) or (d) set out in paragraph 143 of the Framework. However, the definition of grey belt land within the Framework explicitly excludes land where the application of policies relating to the areas or assets listed in Footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Given my conclusion in respect of the effect of the proposal on the listed building opposite, my statutory duties under the Act, and the policies in the Framework relating to designated heritage assets, this heritage harm would provide a strong reason for refusing the development. Therefore, the site would not comprise grey belt land.
28. Even if this were not the case, the proposal must meet all of the criteria in paragraph 155 in order to qualify as not inappropriate development due to its siting on grey belt land. This includes criteria c. which requires the development to be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework. Those paragraphs, taken together and amongst other things, seek to safeguard the transport network and to focus development on locations which are or can be made sustainable by limiting the need to travel, offering a genuine choice of transport modes, and prioritising sustainable transport modes.
29. Toot Hill has a public house and a village hall, which are within walking distance of the site. However, future occupants of the development would need to travel further afield to access most services and facilities, such as shops, schools, and medical facilities amongst other things. The submitted Transport Statement indicates that the nearest service centre is within 5 kilometres of the appeal site at Epping, from where there are onward connections via the London Underground. The other nearest service centres are at Chipping Ongar and North Weald.

⁷ Appeal decision reference APP/J1535/W/24/3347206, dated 17 February 2025

⁸ Appeal decision reference APP/B5480/W/18/3200843, dated 14 September 2018

⁹ Appeal decision reference APP/W4223/W/19/3227776, dated 15 August 2019

30. However, Toot Hill is not served by public transport and, given the distance to the nearest service centres, cycling would not be an option for those who are less mobile or who are travelling with young children. Moreover, whilst the roads may be reasonably flat, there is no evidence of dedicated cycling facilities and the routes from Toot Hill would involve travelling along rural roads with inconsistent lighting and limited opportunities to take refuge from passing vehicles. Consequently, there would be strong deterrents to cycling, which would be exacerbated during hours of darkness and in inclement weather. Therefore, in all reasonable likelihood, most journeys undertaken from the proposed dwellings would be by private car for reasons of convenience, safety, speed, and comfort.
31. Whilst I recognise that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the site's poor connectivity to goods and services by sustainable modes, including the absence of a bus service, point to it being in a location where there would not be a genuine choice of travel modes and where sustainable transport could not be prioritised. Therefore, the appeal site is not in a sustainable location with particular reference to the requirements of paragraphs 110 and 115 of the Framework. That being the case, the proposal would not benefit from the provisions of paragraph 155 of the Framework, even if I were to find that the other requirements of the paragraph have been met.
32. Overall, I conclude that the proposal would be inappropriate development in the Green Belt, having regard to the Framework and Policies SP5 and DM4 of the LP.

Openness of the Green Belt

33. Openness, which has both visual and spatial dimensions, is a key characteristic of the Green Belt. The absence of buildings within the appeal site provides a visual and spatial connection to the surrounding countryside, which can be experienced from the adjacent footpath, nearby gardens, and glimpsed through gaps in the frontage trees. The site therefore makes a positive contribution to openness in this part of the countryside.
34. The erection of ten dwellings along with access, circulation, and parking areas and the associated domestication of the site would inevitably reduce the spatial openness of the area even if the dwellings were of a small size and low height. Moreover, even though the roadside trees would be retained, the dwellings would be visible from the adjacent footpath, nearby properties, and through the proposed access routes from Epping Road. Overall, the proposal would have a localised yet eroding effect on openness in both visual and spatial terms.

Other considerations and Green Belt balance

35. The Framework is clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness. 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 potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
36. In undertaking the heritage balance under the first main issue in this appeal, I set out the public benefits that would arise from this scheme and the positive weight ascribed to them.

37. The Framework states that a development that complies with the Golden Rules should be given significant weight in favour of the grant of planning permission. To comply with the Golden Rules, a proposal must accord with all of the criteria set out in Paragraph 156 of the Framework including the provision of new, or improvements to existing, green spaces that are accessible to the public. This requirement stands regardless of any existing provision such as the proximity of the site to footpaths. The proposal does not include any new, or improvements to existing, green spaces that are accessible to the public and, therefore, even if the other requirements of Paragraph 156 were fulfilled, the Golden Rules would not be met. Therefore, the scheme does not gain support from paragraph 158 of the Framework.
38. Matters relating to the detailed design of the proposal and its associated effects are not known at this outline stage, therefore there is no identifiable harm in respect of the appearance of the dwellings, the impacts to the living conditions of neighbours, and the quality of the accommodation proposed. Furthermore, no harm has been identified in respect of highway safety and vehicular access, retained trees, habitats and species, contamination, and flooding. The absence of harm is a neutral factor that does not carry negative or positive weight.
39. The development would cause harm to the Green Belt by way of its inappropriateness and loss of openness, which carries substantial negative weight in accordance with the Framework. There would also be harm caused to the setting and significance of the Grade II listed building known as 3 and 5 Epping Road. Whilst there would be some benefits arising from the proposal, including the delivery of housing, the other considerations in this case do not clearly outweigh the harm I have identified. Consequently, the very special circumstances necessary to justify this inappropriate development in the Green Belt do not exist. It follows that the proposal conflicts with Policies SP5 and DM4 of the LP and the Green Belt provisions in the Framework.

Other Matter

40. The site lies near to the Epping Forest Special Area of Conservation, which is a European site as defined by the Habitats Regulations. The appeal documents include a UU, which seeks to provide for a financial contribution to mitigate the effects of air pollution on the SAC in accordance with The Epping Forest Interim Air Pollution Mitigation Strategy (December 2020). However, because I am dismissing the appeal for other reasons, it is not necessary for me to undertake an appropriate assessment or to consider this matter, nor the UU, any further.

Planning Balance and Conclusion

41. The heritage and Green Belt harm I have identified brings the proposal into conflict with the development plan when read as a whole. In these circumstances, planning permission should be refused unless material considerations indicate otherwise.
42. Even if paragraph 11 d) of the Framework were engaged due to the latest published HDT results, the harm that would be caused to the Green Belt and to the Grade II listed 3 and 5 Epping Road, would provide strong reasons for refusing the development proposed under the provisions of paragraph 11 d) (i) and Footnote 7 of the Framework. Consequently, the presumption in favour of sustainable development does not apply.

43. The proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

E Catchside
INSPECTOR