



Appeal Decision

Site visit made on 16 February 2026

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/J1535/W/25/3375933

22 Murrells Farm, London Road, Stanford Rivers, Ongar, Essex CM5 9QE

- 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 James Padfield against the decision of Epping Forest District Council.
 - The application Ref is EPF/0960/25.
 - The development proposed is the demolition of a former farm building granted change of use to residential and the erection of a new dwelling to a similar mass and footprint.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of a former farm building granted change of use to residential and the erection of a new dwelling to a similar mass and footprint at 22 Murrells Farm, London Road, Stanford Rivers, Ongar, Essex CM5 9QE in accordance with the terms of the application, Ref EPF/0960/25, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have shortened the appellant's original description of development to just that which is necessary to describe the proposal.
3. The appeal was accompanied by a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 to secure contributions to mitigate the impact of the proposal on the Epping Forest Special Area of Conservation (SAC).

Main Issues

4. The main issues in this appeal are:
 - whether the appeal site is grey belt and whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policies;
 - if inappropriate, the effect of the development on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the surrounding area with particular reference to the setting of nearby listed buildings;
 - whether the proposal would provide suitable living conditions for future occupiers with particular reference to the internal floor area;
 - the effect of the proposal on the integrity of the SAC; and

- if inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

5. The site is in the Green Belt. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework further establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in paragraphs 154 and 155.
6. Policy SP5 of the Epping Forest District Local Plan 2011-2033 Part One Adopted March 2023 (EFDLP) protects the Green Belt from inappropriate development. Policy DM4 of the same plan sets out that, apart from certain exceptions, the construction of new dwellings is inappropriate development in the Green Belt. The exceptions it identifies broadly conform with those in paragraph 154 of the Framework. The policy explains that planning permission will not be granted for inappropriate development except in very special circumstances.

Grey belt

7. Paragraph 143 of the Framework explains that grey belt is land that does not contribute strongly to Green Belt purposes (a), (b) or (d). Given the considerable degree of separation between the appeal site and the large built-up area of outer London, the site makes a very limited contribution to checking the unrestricted sprawl of large built-up areas (purpose a). As the nearest towns of Epping, Brentwood and Romford are located some distance from each other and the appeal site, the site does not contribute meaningfully to preventing neighbouring towns merging into one another (purpose b). The site makes no meaningful contribution to preserving the setting and special character of the nearest historic town, Epping (purpose d).
8. I find therefore that the appeal site does not contribute strongly to Green Belt purposes (a), (b) and (d). Although there are listed buildings near the appeal site, the application of the policies relating to them would not provide a strong reason for refusing or restricting the development, and consequently the site is not excluded from the definition of grey belt. I therefore conclude that the appeal site is grey belt land as defined in the Glossary to the Framework. The development of homes should not therefore be regarded as inappropriate, provided the criteria contained in paragraph 155 are met, which I address below.
9. The appeal site is small in scale in relation to the size of the Green Belt in Epping Forest District, and forms part of a cluster of rural buildings. Consequently, I do not consider that developing the site as proposed would fundamentally undermine the purposes, taken together, of the remaining Green Belt land across the area of the plan. Therefore, the proposal meets the first criterion of paragraph 155.
10. I have not been provided with information on the Council's five year housing land supply. As such, I cannot conclude that there is a demonstrable unmet need for

the type of development proposed in accordance with footnote 56 of the Framework. Consequently, the second criterion of paragraph 155 is not met.

11. The third criterion requires the development to be in a sustainable location with particular reference to paragraphs 110 and 115 of the Framework. Paragraph 110 seeks to limit the need to travel and to offer a genuine choice of travel modes while Paragraph 115 requires sustainable transport modes to be prioritised. The site is in a rural location where local facilities are not within easy walking distance, and as I have not been advised of public transport or cycle routes, future occupiers would be reliant on the private vehicle. Nothing in the evidence before me indicates that the site is in a sustainable location, as required by criterion (c) of paragraph 155.
12. Consequently, the development is inappropriate development in accordance with paragraph 155 of the Framework.

Replacement building

13. Paragraph 154 of the Framework advises that development in the Green Belt is inappropriate unless one of the listed exceptions applies, one being the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces (criterion (d)).
14. The appellant has calculated, and the Council has not disputed, that the proposed dwelling would represent only a small increase in ground coverage and a marginal increase in height compared with the farm building. The proposed dwelling would not therefore be materially larger than the one it replaces. However, the existing building has most recently been used for agricultural purposes, and although the site benefits from an extant prior approval for a change of use to a dwelling¹, that approval has not been implemented. Consequently, the new building would not be in the same use as the existing building.
15. The proposal therefore fails to satisfy Paragraph 154(d) of the Framework, and would be inappropriate development in the Green Belt having regard to the policies in the Framework.

Openness

16. Openness has both a spatial and a visual aspect. I have recorded above that the proposal would result in only a very small increase in footprint and height, and would not therefore affect spatial openness.
17. The H-shaped floorplan of the proposed dwelling would extend its built footprint into an open area beside the farm building, where it would be seen against the backdrop of the existing cluster of buildings at Murrells Farm and perceived as part of the former farm complex. Longer views of the dwelling would be mostly confined to its eaves and roof owing to the higher levels of the adjacent field. There would as a consequence be a small negative effect on visual openness.
18. Taking the above considerations together, the proposal would result in a minor loss of openness of the Green Belt as a whole, resulting in a small degree of conflict with the fundamental aim of Green Belt policy, set out in paragraph 142 of the Framework, of keeping land permanently open.

¹ LPA reference EPF/0522/24

Character and appearance

19. The former farm complex includes Murrells Farmhouse, Granary and Cottage, all of which are Grade II listed. S66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) places a statutory duty on decision makers to have special regard to preserving the setting of listed buildings.
20. Murrells Farmhouse dates from the sixteenth century or earlier, but was partially rebuilt after damage caused in the second world war. The building is timber framed, with rendered walls and a plain tiled roof. It possesses gabled and jettied cross wings on both sides, and three brick chimney stacks.
21. The Granary is located to the side and slightly in front of the farmhouse, and dates from the eighteenth century. It is timber framed and weatherboarded, with a plain tiled roof, and a lean-to section on one end.
22. The Cottage is located behind the farmhouse, and dates from the eighteenth and nineteenth centuries. Constructed of rendered brickwork and plain tiles, it has small paned casement windows and a brick chimney.
23. Together the three listed buildings form the original core of the farmstead, and represent a tangible link to the former agricultural function and layout of the site. Newer farm buildings have been constructed close to and in some cases between the original buildings, and the farmstead has subsequently been split into residential properties which have evolved from the former farming buildings. Like the listed Farmhouse and Cottage, each property possesses its own curtilage, so that the former farmstead now has a broadly residential character.
24. The appeal site is located on the perimeter of the former farm complex, and is separated from the listed buildings by intervening curtilages and buildings. It contains the only building still nominally in agricultural use, although it is largely disused apart from some limited storage. The building is concrete framed with a pitched corrugated roof and open at the front. Whilst the building provides a functional link to the former farming activities on the site, its appearance is reflective of modern farm buildings, and as such it does not reinforce the farmstead's historic character.
25. The recent prior approval to convert the farm building into a dwelling remains extant and, subject to the satisfactory discharge of conditions, could be implemented. By reference to *Mansell v Tonbridge and Malling BC & others [2017] EWCA Civ 1314* and *Schneck v SSHCLG & West Berkshire DC [2022] EWHC 3335 (Admin)*, it has a real and more than merely theoretical prospect of being implemented. The resultant fallback position is thus a material consideration.
26. The conversion of the farm building would result in the former farmstead losing its last remaining agricultural function, in effect completing the evolution of the farmstead into a cluster of dwellings. Whilst the proposal would lead to a small degree of additional fragmentation and domestication of the farm complex, a similar outcome would result from the implementation of the prior approval. In either scenario, the future setting of the nearby listed buildings would comprise solely residential buildings in a rural landscape.
27. The proposal would result in the loss of an agricultural structure but, as I have noted, its appearance is not representative of the historic farm buildings on the

site. It is moreover unsightly, which the prior approval plans would only partially alleviate. The proposed dwelling would have an H-shaped footprint, which the appellant has advised is based on traditional back-to-back cowsheds possessing a central dairy, and thus has a historical basis. Whilst the proposal would have a more domestic appearance than the converted farm building, its vernacular design and traditional materials would visually enhance the site. The proposal would have a larger garden than the converted farm building, but it would not extend the farmstead or encroach into adjacent fields.

28. Overall, the proposal would have a neutral impact on the significance of the heritage assets, and would enhance the character and appearance of the area. I therefore conclude that it would meet the requirements of the Act by preserving the setting of the nearby listed buildings, and for this reason would not have a harmful effect on the character and appearance of the area. The proposal would satisfy paragraph 212 of the Framework, which requires great weight to be given to the conservation of designated heritage assets. It would accord with policies DM7 and DM9 of the EFDLP, which together seek to preserve the settings of heritage assets in a manner appropriate to their significance, and to encourage a high quality of design which contributes to the distinctive character and amenity of the local area.

Living conditions

29. The proposal is for a three bedroom dwelling. The dwelling would have an overall minimum gross internal area (GIA) of 179sqm, significantly exceeding the minimum GIA of 86sqm set by the Technical Housing Standards – Nationally Described Space Standards (NDSS) for a one storey three bed dwelling for five persons. The NDSS requires three bedroom dwellings to have at least one double bedroom, and the appellant's plans achieve this with two of the three bedrooms exceeding the NDSS minimum floor area for a double bedroom of 11.5sqm.
30. The appellant's plans show the smallest bedroom containing a double bed, even though it only meets the NDSS minimum floor area for a single bedroom. The appellant has not however specified that the proposal is for a six person dwelling, and has pointed out that it is not uncommon for a single occupier to prefer to sleep in a double bed. Given that it is for future occupiers to determine precisely how the bedroom would be utilised, and that the overall size of the proposed accommodation is generous, there is nothing which indicates that the dwelling would be cramped should the single bedroom accommodate a double bed.
31. I conclude that the internal floor area is adequate, and that the proposal would therefore provide suitable living conditions for future occupiers in accordance with policies DM7 and DM9 of the EFDLP. Together these policies require a high quality of design which meets or exceeds the minimum space standards set out in the Nationally Described Space Standards.

Integrity of the SAC

32. The SAC comprises dry and wet heath habitats along with beech forest habitat and stag beetles. It is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations), and as such it is incumbent upon me as competent authority to consider whether the development is likely to have a significant effect on the integrity of the site.

33. Although the appeal site is situated outside the 6.2km Zone of Influence of the SAC, the proposal could give rise to atmospheric pollution caused by vehicles travelling on roads in close proximity to the forest emitting pollutants. The Epping Forest Interim Air Pollution Mitigation Strategy December 2020 sets out measures to mitigate air pollution, including the provision of electric vehicle charging points, an awareness raising campaign, a clean air zone, HGV route management strategies and digital communications infrastructure.
34. To deliver this strategy, a tariff-based system has been put in place, with a standard tariff for each new dwelling. The owner of the land has entered into a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990, which includes details of the owner's title to the land, to make an appropriate contribution towards pollution mitigation measures and monitoring. Having reviewed the obligation, I am satisfied that it meets the three tests of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 58 of the Framework, namely that it is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.
35. Natural England was consulted on the planning appeal and agreed that there would be no adverse effect on the integrity of the SAC in light of the mitigation offered by the appellant. I am therefore satisfied that with the proposed mitigation measures in place, there will be no likely significant effect on the SAC. The development therefore accords with the Habitats Regulations and policies DM2 and DM22 of the EFDLP, which together state that where development would have likely significant effects through air pollution, mitigation measures will be required to ensure that it will have no adverse effect on the integrity of the SAC.

Other Considerations

36. Prior approval has previously been granted to convert the farm building to a dwelling, having the effect of introducing a residential use onto the site and retaining a utilitarian farm building. The proposal is for a replacement dwelling with a reconfigured footprint which would not be materially larger than the approved dwelling. The benefits of the proposal are that it would replace the utilitarian farm building with a dwelling of vernacular appearance and traditional materials, resulting in a visual enhancement of the appeal site and the countryside.
37. The proposed dwelling would bring economic and social benefits, as well as enhanced landscaping and biodiversity. It would be energy efficient by aiming at 'passive house' standards.
38. The proposal has the support of Stanford Rivers Parish Council and an interested party. The interested party considers that the proposal would improve their living conditions by removing the farm building which abuts their boundary.
39. Taken together, the above factors weigh significantly in favour of the proposal.

Green Belt Balance

40. The Framework advises that substantial weight should be given to any harm to the Green Belt, including harm to its openness. 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.

41. Whilst the proposal would be inappropriate development, there would be no spatial loss of openness and only a small loss of visual openness associated with the reconfiguration of the farm building's floorspace. Consequently, the proposal would have a minor impact on Green Belt openness, to which I am required to accord substantial weight. The proposal would have a neutral impact on the significance of nearby heritage assets.
42. Set against this, the proposal would visually enhance the site and the countryside, improve biodiversity and sustainability, and provide social and economic benefits.
43. Weighing these matters together, I find that the other considerations in this case clearly outweigh the harm identified. Looking at the case as a whole, very special circumstances exist which justify the development.

Conditions

44. The Framework sets out that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested list of conditions on this basis.
45. It is necessary to confirm the standard time limit for the development, and to specify the approved plans and drawings, for the avoidance of doubt and in the interest of certainty.
46. As appellant's site investigation report only assessed the farm building and the land immediately in front of it, the remainder of the appeal site needs to be investigated and any required remediation undertaken. This requires a pre-commencement condition to ensure that remediation is incorporated from the outset.
47. To ensure satisfactory surface water disposal, a drainage strategy must be approved and implemented. The condition needs to be pre-commencement to ensure that the agreed strategy is implemented from the outset.
48. In order to manage the impact of the proposal on great crested newts, a method statement needs to be approved and implemented. It must be a pre-commencement condition to ensure that the necessary steps are taken from the outset.
49. To protect trees during construction, a tree protection plan, method statement and schedule of works/site monitoring must be approved and implemented. To ensure that trees are protected throughout the development, it must be a pre-commencement condition. Any trees which die must be replanted.
50. To protect priority species, the ecological mitigation measures proposed by the appellant must be implemented, along with the approval and implementation of a biodiversity enhancement plan and lighting design scheme.
51. In the interests of the character and appearance of the area, external materials and landscaping proposals should be submitted for approval.

- 52. To accord with the development plan, the dwelling must incorporate water efficiency measures and superfast broadband connectivity.
- 53. To protect the amenities of local residents, hours of working should be controlled.
- 54. In the interests of highway safety, the approved parking and turning areas should be constructed, a travel pack made available to future residents and wheel wash facilities provided.
- 55. To preserve the openness of the Green Belt and the character and appearance of the area, permitted development rights for extensions should be removed.
- 56. It is not necessary to condition the provision of electric vehicle charging facilities since this is covered by the Building Regulations.

Conclusion

- 57. The proposal constitutes inappropriate development in the Green Belt, but I have found that very special circumstances exist. The proposal would therefore accord with policies SP5 and DM4 of the EFDLP and paragraph 153 of the Framework. I conclude that the appeal should be allowed.

J Heppell

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 strictly in accordance with the following approved plans:
 - 2407-IDA-00-M3-A-1000-S0/13 – Proposed Location Plan
 - 2407-IDA-00-M3-A-1101-S0/13 – Proposed Ground Floor Plan
 - 2407-IDA-01-M3-A-1101-S0/13 – Proposed Roof Plan
 - 2407-IDA-XX-M3-A-1200-S0/13 – Proposed Elevations
 - 2407-IDA-XX-M3-A-0300-S0/13 – Site Sections
3. No work shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of Potentially Contaminated Sites - Code of Practice and the Environment Agency's Guidelines for the Land Contamination: Risk Management (LCRM 2020) (or equivalent if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The development shall only be carried out in accordance with the approved details unless the Local Planning Authority gives its written consent to any variation. The assessment shall include:
 - (1) A survey of the extent, scale and nature of contamination and
 - (2) An assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes; adjoining land; groundwater and surface waters; ecological systems; and archaeological sites and ancient monuments.If following the risk assessment unacceptable risks are identified from land affected by contamination in that phase, no work on any phase of the development shall take place until a detailed land remediation scheme has been completed. The scheme will be submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred options, the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. The development shall only be carried out in accordance with the approved scheme. Following the completion of the remediation works and prior to the first occupation of the development, a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority.
4. Prior to preliminary ground works taking place, details of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall be provided on site prior to first occupation and shall be retained for the lifetime of the development.
5. Before work commences, a great crested newt method statement shall be submitted to and approved in writing by the local planning authority. This will contain precautionary mitigation measures and/or works to reduce potential

impacts to great crested newts during the construction phase. The measures and/works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

6. No development, including works of demolition or site clearance, shall take place until a tree protection plan, arboricultural method statement and site monitoring schedule in accordance with BS:5837:2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out only in accordance with the approved documents. If any tree, shrub or hedge shown to be retained is removed, uprooted or destroyed, dies, or becomes severely damaged or diseased during development activities or within three years of the completion of the development, another tree, shrub or hedge of the same size and species shall be planted within three months at the same place. If within a period of five years from the date of planting any replacement tree, shrub or hedge is removed, uprooted or destroyed, or dies or becomes seriously damaged or defective another tree, shrub or hedge of the same species and size as that originally planted shall, within three months, be planted at the same place.
7. Mitigation measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal & Bat Roosting Assessment prepared by ELMAW Consulting. This may include the appointment of an appropriately competent person to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out in accordance with the approved details.
8. Prior to any works above slab level, a biodiversity enhancement strategy for protected, priority and threatened species, prepared by a suitably qualified ecologist, shall be submitted to and approved in writing by the Local Planning Authority. The content of the biodiversity enhancement strategy shall include the following:
 - a) purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs or product descriptions to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate plans;
 - d) persons responsible for implementing the enhancement measures; and
 - e) details of initial aftercare and long-term maintenance.

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

9. Prior to occupation, a lighting design strategy for biodiversity in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

10. Prior to any works above the foundations, details of the type and colour of the external finishes of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
11. Prior to any works above the foundations, full details of both hard and soft landscape works, including tree planting, and implementation programme shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works shall be carried out in accordance with the approved details and completed prior to first occupation/use of the development hereby approved. The hard landscaping details shall include, as appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other minor artefacts and structures, including functional services above and below ground. The details of soft landscape works shall include plans for planting or establishment by any means, and full written specifications and schedules of plants, including species, plant sizes and proposed numbers /densities where appropriate. If within a period of five years from the date of the planting or establishment of any tree, shrub or plant, that tree, shrub or plant or any replacement is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree, shrub or plant of the same species and size as that originally planted shall be planted at the same place.
12. Prior to first occupation of the development, measures shall be incorporated within the development to ensure a water efficiency standard of 110 litres or less per person per day.
13. Prior to first occupation, the dwelling shall be provided with the necessary infrastructure to enable its connection to a superfast broadband network or alternative equivalent service.
14. No deliveries, external running of plant and equipment or demolition and construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 13:00 on Saturday and not at all on Sundays, Public or Bank Holidays.
15. Prior to the first occupation of the development, the access arrangements and other associated works, vehicle parking and turning areas and refuse storage as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained in perpetuity for their intended purpose.
16. Prior to first occupation of the development, a residential travel information pack for sustainable transport, to include six one day travel vouchers, and/or Oyster Cards, for use with the relevant local public transport operator, shall be provided to the dwelling free of charge.
17. Wheel washing or other cleaning facilities for vehicles leaving the site during construction works shall be installed and utilised to clean vehicles immediately before leaving the site. Any mud or other material deposited on nearby roads as a result of the development shall be removed.
18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any other order revoking and re-enacting that order) no development permitted by virtue of Classes A, AA, B & E of Part 1 to Schedule 2 of the Order shall be undertaken without the prior written agreement of the Local Planning Authority.

End of schedule