
Appeal Decision

Site visit made on 17 February 2016

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 March 2016

Appeal Ref: APP/J1535/W/15/3135158

Carpenters Arms, High Road, Thornwood, Epping, Essex CM16 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Desmond Rees against the decision of Epping Forest District Council.
 - The application Ref EPF/2670/14, dated 12 November 2014, was refused by notice dated 8 April 2015.
 - The development proposed is the erection of 3 town houses, 2 detached houses and a change of use from public house.
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Application for Costs

1. An application for costs was made by Mr Desmond Rees against Epping Forest District Council. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. It is considered that the main issues are:
 - (a) Whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy, including the effect of the development on the openness of the Green Belt and the purposes for including land within it;
 - (b) The effect of the development on the visual amenity of the Green Belt and character and appearance of the area; and
 - (c) If the development is inappropriate, 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 the development.

Reasons

Whether the proposal would be inappropriate development for the purposes of the Framework and development plan policy, including the effect of the

development on the openness of the Green Belt and the purposes for including land within it

4. The appeal site straddles the Green Belt boundary with the former public house and restaurant building being within the defined urban area and the associated car park within the Green Belt. As a matter of principle, the Council does not object on Green Belt grounds to the redevelopment of the existing building for residential purposes. The Green Belt objection is directed at the 2 detached dwellings proposed to be erected on the car park which forms part of the curtilage of the building but, although surfaced, has an open character.
5. Paragraph 89 of the Framework refers to limited infilling or the partial or complete redevelopment of previously developed sites may, in some circumstances, not be inappropriate development in the Green Belt. Policy GB2A of the Epping Forest District Local Plan and Alterations (LP) is inconsistent with the Framework concerning these types of development within the Green Belt. Accordingly, I have determined this appeal based upon the more up-to-date expression of national planning policy. However, any redevelopment of a previously developed site should 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. I am satisfied that the appeal site is previously developed land because it is occupied by a permanent structure and, reflecting the definition in the Annex to the Framework, it is also appropriate to include the curtilage as part of the developed land. The appeal scheme would involve the complete redevelopment of this previously developed site but the Annex's definition makes it clear that it should not be assumed the whole of the curtilage should be developed.
7. Paragraph 79 of the Framework identifies that one of the essential characteristics of Green Belts is their openness. By reason of height and scale, the erection of two 2-storey dwellings on the car park would undoubtedly have a greater impact on the openness of the Green Belt. The significant harm is not mitigated by the reduction in the extent of either the hardstanding or the footprint of the existing building. As previously noted, the existing building is not wholly within the Green Belt whereas these proposed dwellings would be.
8. The redevelopment of the car park for housing would intensify the built form of development within the Green Belt. However, there would not be a specific conflict with the purposes of the Green Belt because built development would not encroach into the open countryside and there would not be urban sprawl. However, the absence of a conflict with the purposes of the Green Belt is demonstrably outweighed by the significant harm caused to the openness. This harm alone is sufficient for me to judge that the erection of the 2 dwellings would amount to inappropriate development in the Green Belt.
9. Accordingly, although the designation only affects part of the site, it is concluded that the erection of the appeal scheme would include inappropriate development within the Green Belt and, as such, it would conflict with the Framework. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight

should be attached to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The question of any other harm and the other matters in this case are now considered.

The effect of the development on the visual amenity of the Green Belt and character and appearance of the area

10. The site is located at the junction of Carpenters Arms Lane and High Road. I agree with the appellant's claims that the general design of the 3 dwellings proposed to be erected on the site of the existing building would reflect the tighter urban grain of residential properties which front High Road. There are terraced properties fronting the road and these proposed townhouses would not be an incongruous form of residential development.
11. Similarly, the proposed detached dwellings fronting Carpenters Arms Lane would respect the design and character of other 2-storey properties which front this road. The concerns of the Council about the size of the curtilages of these 2 proposed dwellings has been carefully noted. However, the combination of the amenity spaces' width and depth would ensure that these dwellings possessed a spacious appearance and would be assimilated into the streetscene.
12. For the type of development proposed the provision of a shared off-street parking area is a common approach to adopt, including elsewhere within Thornwood where a former public house site has already been redeveloped. The parking spaces would be sited adjacent to a proposed dwelling and would be overlooked by the properties sited on the opposite side of the road.
13. Although the Tree Preservation Order (TPO) has been applied to the 4 trees fronting Carpenters Arms Lane after the determination of the appeal application, I am required to consider the effect of the proposed development on these protected trees. The submitted drawings indicate that all the trees subject of the TPO would need to be felled to enable the erection of the 2 detached dwellings and associated car parking spaces.
14. The appellant's arboricultural assessment identifies the trees as being category C. The Council's Tree and Landscape Officer originally advised that the trees were not considered to be of significant amenity value to warrant protection or retention. Based upon my site visit there are no reasons for me to disagree with these assessments. By reason of the trees making a limited contribution to the streetscene their loss would not be a reason for this appeal to fail.
15. For the reasons given, I do not share the Council's concerns that the appeal scheme would, from a design and layout perspective, represent an over development of the site which would be out of character with the adjacent residential properties. Accordingly, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the area and, as such, it would not conflict with the sustainable development and design requirements of LP Policies CP1, CP2, CP3 and DBE1.
16. However, by reason of their siting and size, it the erection of the proposed dwellings on the car park would intensify the built form of development within

the Green Belt. Accordingly, it is concluded that the appeal scheme would cause harm to the visual amenity of the Green Belt but because of the car park use and the adjacent properties this harm would be limited. There would still be a conflict with LP Policy GB7A concerning retaining the visual amenity of the Green Belt which, on this matter, is consistent with paragraph 81 of the Framework which refers to retaining and enhancing the visual amenity of the Green Belt.

If the development is inappropriate, 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 the development

17. The appeal scheme has been judged not to harm to the purposes of the Green Belt. However, this matter merely results in there being no additional harm to that arising from the inappropriate development and the weight attached to this matter needs to be tempered accordingly. Therefore, moderate weight has been attached to it and, has been noted, the degree of harm caused to the purposes of the Green Belt is limited.
18. Significant weight is attached to the absence of unacceptable harm being caused to the character and appearance of the surrounding area. This weight takes into account 3 of the proposed dwellings being sited outside the Green Belt and the appeal site being previously developed land albeit subject to the caveat contained in the Framework's Annex.
19. The appellant has referred to the presumption in favour of sustainable development being applicable to the appeal scheme if it was judged to be not inappropriate development. However, the footnote to paragraph 14 of the Framework identifies Green Belt as a specific policy where development should be restricted. Further, although the Council may need to release land from the Green Belt to accommodate housing via review of the Local Plan, the National Planning Practice Guidance says that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. Although 3 dwellings would not be in the Green Belt, limited weight is attached to these matters in the determination of this appeal.
20. Local residents have highlighted concerns about parking along Carpenters Arms Lane and the standard of its junction with High Road. However, the Council acknowledges that the required car parking provision can be met on-site. Further, the Highway Authority has not objected to the proposed development on grounds of traffic generation and highway safety. In the absence of specialist contrary evidence, there are no reasons for me to disagree with the Highway Authority on these matters and limited weight is given to them in the determination of this appeal.
21. Concerns have also been expressed by local residents because of the effect of the appeal scheme on their living conditions. No objections have been raised by the Council on these grounds and, based upon my site visit, there are no reasons to disagree with this assessment. Although I have noted concerns about the separation distances between the proposed dwellings, the Council acknowledge that the living conditions of the future occupiers would not be

unduly harmed. These matters have been given limited weight in the determination of this appeal.

22. For different reasons, reference has been made by the appellant and local residents to the Teazle Mead scheme which is located to the west of the site. However, although some information has been provided, I do not possess the full planning circumstances of this other scheme to enable me to make an effective comparison with the proposed development, including matters such as the extent and scale of any previous built forms of development. For this reason, limited weight has been given to this matter.
23. Local residents have raised other issues such flooding and the loss of a local facility. However, the evidence indicates that the site has been vacant for a number of years and that the former uses are unviable. There is no evidence to indicate that a suitable condition could not address concerns about flooding. Concerns about an unwelcome precedent being established if this appeal succeeded have been noted but the proposed development has been assessed on its own merits. None of these matters affect the main issues which have been identified as the basis for the determination of this appeal.
24. Whether the appellant owns all the land within the appeal site is not a matter for me to determine as part of this planning appeal.

Conclusion

25. These other considerations, even when taken together, do not clearly outweigh the harm by reason of inappropriateness, harm to the openness of the Green Belt, the limited harm to the visual amenity of the Green Belt and the conflict with national policy. Accordingly, it is concluded that the very special circumstances required to justify the development do not exist and, taking into account all other matters, this appeal should fail.

D J Barnes

INSPECTOR