Supplementary Committee Agenda

Epping Forest District Council

Area Planning Sub-Committee East
Wednesday, 27th November, 2019

Place:	Council Chamber, Civic Offices, High Street, Epping
Time:	7.30 pm
Democratic Services:	Democratic Services Tel: (01992) 564243 Email: democraticservices@eppingforestdc.gov.uk

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10. PLANNING APPLICATION - EPF/2217/19 - LAND AT POTASH ROAD, MATCHING GREEN, ESSEX, CM17 0RN (Pages 3 - 8)

To consider the attached additional information.

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The Planning Inspectorate

Appeal Decision

Site visit made on 21 October 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor (Non-practising)

Decision by Chris Preston BA(Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2019

Appeal Ref: APP/J1535/W/19/3233429
Land at Potash Road, Matching Green, Harlow, CM17 0RN

- 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 R Tomkins against the decision of Epping Forest District Council.
- The application Ref EPF/0189/19, dated 22 January 2019, was refused by notice dated 21 March 2019.
- The development proposed is the erection of two dwelling houses including the removal of existing underground storage tanks

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal site lies within the Green Belt and so the main issues are:

   1) Whether the proposal would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework).

   2) If found to be inappropriate development, 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 necessary to justify the proposal.

Reasons for the Recommendation

Whether the proposal constitutes inappropriate development

4. The appeal site is situated on the southern side of Potash Road, within the Metropolitan Green Belt. It comprises a hardstanding surface with a disused pumping station building and associated pipes located in a central area of the site, surrounded by concrete posts and fencing. Six fuel storage tanks are located below ground. The surrounding area is decidedly rural in nature, with sprawling open fields located nearby. In the immediate vicinity the site is bounded by residential and agricultural buildings to either side, with a horse grazing facility to the rear. The proposal relates to the erection of two dwelling houses on the site to replace

the current building and includes the removal of the existing underground storage tanks.

5. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. While the construction of new buildings is inappropriate in the Green Belt, there are however a limited number of exceptions, as detailed by paragraph 145 of the Framework. This includes at 145(g) the '*limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would: (i) not have a greater impact on the openness of the Green Belt than the existing development; or (ii) not cause substantial harm to the openness of the Green Belt where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority*'.

6. The relevant local plan policies for the development of the proposal in the Green Belt are Policies GB2A and GB7A of the Epping Forest District Local Plan, adopted in January 1998. While Policy GB2A states that the construction of new buildings is inappropriate in the Green Belt except in certain circumstances, it does not list limited infilling or the partial or complete redevelopment of previously developed land as such an exception. Given the age of the policies and the degree of non-conformity with the Framework they should not be considered up to date for decision making purposes and I attach limited weight to them in the context of this appeal.

7. Policy DM4 of the Epping Forest District Local Plan Submission Version (2017) (the Emerging Local Plan) relates to development within the Green Belt and lists a limited number of exceptions, which reflect those cited at Paragraph 145 of the Framework. However, whilst the Emerging Local Plan has reached an advanced stage, no information has been provided on the examining Inspector's advice or whether there are outstanding objections to this policy. In such circumstances I can only attach moderate weight to the policy on the basis of the apparent consistency with the Framework.

8. The Council does not dispute that the proposal would amount to the redevelopment of a previously developed site and has previously granted planning permission for two partially subterranean dwellings. The issue in dispute is whether the current proposal would have a greater impact on the openness of the Green Belt than the existing development.

9. The proposal would involve returning much of the appeal site to a landscaped state, such that the area of hardstanding that currently covers the entire site would be significantly reduced. Although the proposal would also involve the loss of the existing pumping station building, this is much smaller than the proposed dwellings both in area and volumetric terms. The above-ground built form of development would therefore be increased at the site, representing a growth in floorspace from 203sqm to 252sqm, and introducing further domestic paraphernalia in the location.

10. However, floorspace is only one element in the consideration of openness. Whilst much of the existing development is underground, thereby having a limited effect on the openness of the Green Belt, either in a visual or physical sense, the proposed dwellings would result in a substantial increase in the overall bulk and mass of development present within the site and would therefore reduce the openness of the Green Belt in both visual and spatial terms. It would have a much greater impact on the openness of the Green Belt than the existing development.

Accordingly, the proposal does not fall within the exception at Paragraph 145(g) of the Framework. There is no suggestion that the proposal would meet any other exception listed in the Framework and it would therefore represent inappropriate development.

Other Matters

11. The Framework states that 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. In this regard, a number of other considerations have been highlighted by the appellant.

12. A copy of the 'Epping Forest District Local Plan Housing Implementation Strategy – Update January 2019' has been provided as evidence that the Council has a housing land supply of 4.2 years. The appellant argues that fact that the Council cannot demonstrate a 5 year housing land supply should be given substantial weight. In response, the Council rely on the strategy of the Emerging Local Plan. However, whilst that plan has reached an advanced stage it has not yet been adopted. I have no reason to doubt that the strategy will meet the needs of the district moving forward but, on the information provided in relation to this appeal, it is not clear that any of the proposed allocations are available now, or that they are likely to be deliverable within the next 5 years. Accordingly, based on the information before me, the Council has not demonstrated a 5 year supply of deliverable sites.

13. In that context, the supply of two dwellings would represent a benefit in terms of local housing provision, albeit that the weight I attach is moderated by the small scale of the development which would not add substantially to the overall supply, and the fact that the strategy to bring forward housing sites would appear to be close to adoption.

14. The appellant refers to the fact that planning permission has previously been granted at the site for the erection of two dwellings, which have a combined floorspace greater than the proposal. It is the appellant's argument that the proposal would have less of an impact on the openness of the Green Belt than this consented scheme and as such should be granted permission. However, there is no more than a greater than theoretical possibility that the previously consented development will be carried out, particularly as the appellant has provided a Comparative Viability Report which demonstrates that the previously consented scheme is unviable. As such, limited weight is to be attached to this fallback position. In any event, the 'above ground' volume and bulk of the proposed dwellings would be markedly greater than the previously approved scheme and, consequently, the effect on the openness of the Green Belt is substantially greater.

15. Similarly, limited weight should be attached to the appellant's assertion that, in the event of the consented scheme not being viable, the proposal represents the only means of developing the site and realising the benefits put forward. Information relating to viability and development costs has been put forward in relation to the previously approved scheme and the current proposal. However, that does not demonstrate that an alternative scheme with less impact on the openness of the Green Belt would not be viable, or that the erection of two dwellings is the only way to bring the site forward for residential development.

16. The appellant further refers to the design of the proposal and its positive impact on the character and appearance of the area as a potential very special circumstance. The proposal would change the appearance of the site from an industrial location to a landscaped residential area, with a high standard of design. The resulting dwellings would be modern in character, developed with high quality materials and would represent a visually attractive addition to the immediate surrounds. Notwithstanding the impact on openness, it is agreed that the dwellings would have a positive impact on the character and appearance of the site and the surrounding area, and as such moderate weight is attached to this argument.

17. A number of other considerations have been raised by the appellant. These include the fact that the proposal does not involve the use of a greenfield site, makes effective use of previously developed land, is in a sustainable location, would lead to decontamination of the site and would protect, enhance and manage existing habitats at the site. However, even cumulatively, these benefits are modest and I afford them only a moderate amount of weight.

Whether Very Special Circumstances Exist

18. The appeal proposal would constitute inappropriate development and the Framework establishes that substantial weight should be given to any harm to the Green Belt. In addition, there would be a loss of openness in the Green Belt. When taken individually or cumulatively, the other considerations advanced in support of the scheme attract moderate weight and do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion and Recommendation

19. The proposal would be contrary to the relevant policies of the development plan with respect of development within the Green Belt but, for the reasons set out above, those policies are not up to date and limited weight should be afforded to them. In accordance with Paragraph 11(d) of the Framework, where policies that are most relevant for determining an application are out of date, planning permission should be granted unless the application of policies in the Framework that protect areas or asset of particular importance provide a clear reason for refusing the development. As listed in footnote 6 the Green Belt is one such protected area. For the reasons set out above, the development would amount to inappropriate development within the Green Belt and no very special circumstances exist to warrant the grant of planning permission. Accordingly, having regard to the policies of the Framework taken as a whole, and the policies of the Emerging Local Plan which carry some weight, planning permission should be refused.

20. Having had regard to all matters raised, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Preston

INSPECTOR

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