



The Planning  
Inspectorate

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Theresa Parker  
Epping Forest District Council  
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CM16 4BZ

Your Ref: EPF/0207/11  
Our Ref: APP/J1535/A/12/2168731/NWF  
Date: 3 July 2012

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Dear Ms Parker

**Town and Country Planning Act 1990  
Appeal by Fyfield Joint Venture (FJV)  
Site at Fyfield Business And Research Park, Fyfield Road, Chipping Ongar,  
CM5 0GN**

I enclose a copy of our Inspector's decision on the above appeal.

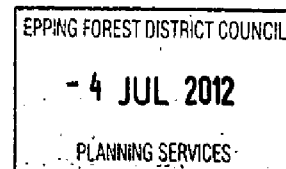
If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at [www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback](http://www.planningportal.gov.uk/planning/appeals/planninginspectorate/feedback). This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

Yours sincerely

Kevin Plummer



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*You can use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

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## Appeal Decision

Hearing held on 9 May 2012

by **Christine Thorby MRTPI, IHBC**

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

Decision date: 3 July 2012

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### Appeal Ref: **APP/J1535/A/12/2168731**

### **Fyfield Business and Research Park, Fyfield Road, Chipping Ongar, CM5 0GN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Fyfield Joint Venture against the decision of Epping Forest District Council.
  - The application Ref PL/EPF/0207/11, dated 8 March 2011, was refused by notice dated 7 December 2011.
  - The development proposed is redevelopment (in 3 phases) comprising removal of all existing buildings except 2 no office buildings, a grade II listed stable block, a crèche building and existing hard court recreation area and changing facilities. Erection of 12 one and two storey office buildings, equating to a gross external area of 17,071 square metres. Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of 521 car parking spaces and 234 cycle spaces.
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### Decision

1. The appeal is allowed and outline planning permission is granted for redevelopment (in 3 phases) comprising removal of all existing buildings except 2 no office buildings, a grade II listed stable block, a crèche building and existing hard court recreation area and changing facilities. Erection of 12 one and two storey office buildings, equating to a gross external area of 17,071 square metres. Construction of new site access, including a roundabout off Fyfield Road. Provision of a new cricket pitch and additional amenity space. Comprehensive landscaping scheme including new trees, shrubs and hedges. Provision of 521 car parking spaces and 234 cycle spaces at Fyfield Business and Research Park, Fyfield Road, Chipping Ongar, CM5 0GN in accordance with the terms of the application, Ref PL/EPF/0207/11, dated 8 March 2011 subject to the conditions set out in Annex A.

### Procedural matters

2. The planning application was put forward in outline, with access only to be determined. Landscape, layout, appearance and scale are all reserved matters. An additional illustrative layout (PL1100) was put forward at the hearing. As no party would be prejudiced, the plan is accepted and I intend to deal with the appeal on this basis.



### **Main Issues**

3. The main issues in this case are:
- i) Whether the proposal would be inappropriate development in the Green Belt.
  - ii) The effect of the proposal on the visual amenities of the Green Belt and the character and appearance of the area.
  - iii) 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**

#### *Inappropriate development.*

4. National Planning Policy Framework (the Framework), paragraph 89, indicates that the construction of new buildings may not be inappropriate where, among other things, it constitutes partial redevelopment of previously developed land which would not have a greater impact on openness and purposes of including land in the Green Belt.
5. The proposal is for partial redevelopment of the business park. Although the layout is a reserved matter, there is no dispute that the volume of the buildings at the site would increase by around 20% compared to the existing buildings. There would be an increase in the hard surfaced areas of about 21%, including encroachment into open landscaped areas, particularly at the front of the site.
6. The number of buildings and the overall commercial footprint would be reduced and three storey offices would be demolished and replaced with two storey buildings. However, taken as a whole there would be an increase in bulk, mass and hardsurfacing, and the appeal scheme would have a greater impact on the openness than that of the existing business park. It would, therefore, constitute inappropriate development which according to the Framework and Epping Forest District Local Plan and Alterations (LP) policy GB2A is harmful to the Green Belt.

#### *Visual amenities/character and appearance.*

7. Although the site was once an agricultural research station, the character is now that of a business park, with scattered office buildings, glasshouses and large car parks set within a mature and attractive landscaping. There would be some loss of the attractive planting and two storey, solid buildings would be erected in place of some of the single storey buildings and glass structures. However, many of the existing buildings and structures are in very poor condition and their replacement, together with new planting, would ensure that there would be little change to its character as a business park. The layout is a reserved matter and the additional layout option indicates that the new buildings need not come forward of the established building line, ensuring that they would have no greater visual effect on Fyfield Road.
8. However, the new roundabout, which could be illuminated, would give the road network an increased presence in the area. Traffic generation may also be greater than existing, adding to the increased prominence of the highway. Whilst the majority of the new development would have a similar impact to the

existing business park, the roundabout and traffic generated would erode the rural character. This would only be to a small extent as the roundabout is modest in scale and there is already traffic associated with the existing use. Nevertheless, there would be some slight harm to the visual amenities of the Green Belt and the rural character and appearance of the area, contrary to LP policies LL2, CP2 and GB7A (in part) where they seek to protect rural character, including that of the Green Belt.

*Other Considerations:*

9. Around 40% of the buildings at the business centre are unoccupied and it is clear that without some form of investment, including redevelopment, the business park is likely to continue to decline. The Council's most recent Employment Land Review (ELR) indicates that whilst there is sufficient employment land at present, it will be unable to satisfy future demand and there is a general need for good quality flexible space. The Council confirmed at the hearing that the ELR description for Fyfield Business Park as unsuitable for expansion was not correct. In any event, the commercial footprint would be reduced and redevelopment is within the site, therefore, this comment has little relevance.
10. I note the Inspector's comments (relating to a previous housing scheme) about economic viability. However, the proposed redevelopment would provide new and updated employment space ensuring the long term retention of Fyfield Business Park and this would contribute towards accommodating employment growth in the area. Although local residents suggest that there would be little demand for the new buildings, there is no convincing evidence that the scheme would be unviable. In these circumstances, I attach substantial weight in favour of the scheme to the employment benefits which comply with the aims of the Framework to promote economic growth. The appeal proposal would also comply with a core principle of the Framework to make effective use of an underutilised site which is previously developed land. This adds significant weight in favour of the scheme.
11. The access route through the site to Boarded Barns Farm would be maintained and secured by condition. The highway network would cope with any increased traffic and the roundabout would slow traffic at the access point ensuring that there would be no harm to highway safety. The noise and disruption would not be any greater than that arising from the existing use, and the buildings closest to Boarded Barns Farm would be smaller. Therefore, there would be no harm to the living conditions of neighbours. There is a grade II listed building within the business park which would be retained. I am satisfied that an appropriate layout and appearance of the new buildings could be achieved to ensure that the setting of the listed building would not be harmed. The Benfleet appeal decision relates to a mobile home park where circumstances differ from those of the appeal site. These matters would have a neutral effect and would not add weight either for or against the proposal.
12. *Conditions.* The submission of timing and details of the reserved matters, including a three to five year time limit for the submission of the reserved matters, would be necessary. This would take into account the proposed phasing of the appeal scheme and possibility of moving of tenants from one part of the site to another.

13. Details of materials, the restriction of the height and size of the development, external lighting, the timing and maintenance of the landscaping and the restriction of permitted development rights for alterations, extensions, hard surfacing and various external works, would be necessary to protect the character and appearance of the area. Details of surface water drainage would be necessary to prevent any off-site flooding and ensure sustainable drainage systems are employed where possible. Details of changes to the pumping station/foul treatment plant would be necessary to protect the neighbours' living conditions. A travel plan would encourage sustainable methods of travel to and from the site.
14. Details of delivery/parking/loading during construction, wheel washing facilities, a time restriction for deliveries/loading and outside work for the business park, and details of any fixed plant would be necessary to protect neighbours' living conditions. Securing access through the site to Boarded Barns Farms within an appropriate timescale would be necessary as there is no other access to this property. Details of the design of the main site access and its construction in the location shown on the approved plan, together with the closure of the existing access points, would be necessary to ensure a satisfactory appearance and protect highway safety. Conditions relating to these matters are imposed.
15. The whole site may be contaminated as it was an agricultural research centre. Therefore, I have imposed a condition relating to the whole site rather than the suggested condition which seeks further investigation only if contamination is found in the location of phase 1.
16. Car and cycle parking numbers are set out in the description and their layout and appearance would be covered under reserved matters in condition 1. There would be no need for a separate condition in this regard.

*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 Framework and LP policy GB2A indicate that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The provision of flexible, up to date, commercial floorspace, meeting the needs of future economic growth in the area carries substantial weight in favour of the scheme. The efficient use of previously developed land to promote employment also carries significant weight in favour of the proposal. In combination, these considerations would clearly outweigh the substantial harm by reason of inappropriateness and slight harm to the character and appearance of the area and the visual amenities of the Green Belt. Therefore, very special circumstances exist which are sufficient to justify the appeal scheme and the appeal is allowed.

*Christine Thorby*

INSPECTOR



- by the local planning authority. Development of each phase shall be carried out in accordance with the approved details.
- 7) No development shall take place on a phase of development until details of external lighting for the whole of the phase have been submitted to and approved in writing by the local planning authority. Development of each phase shall be carried out in accordance with the approved details.
  - 8) No development shall take place on a phase of development until details of a) foul water drainage including the foul treatment plant, b) surface water drainage scheme, including details to prevent discharge onto the highway, and calculation of increased run-off and associated volume of storm detention, based on sustainable drainage principles for the whole of the phase have been submitted to and approved in writing by the local planning authority. Development of each phase shall be carried out in accordance with the approved details.
  - 9) No development shall take place on a phase of development until a travel plan, incorporating a monitoring scheme, for the whole of the phase has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
  - 10) No development shall take place on a phase of development until provision has been made for turning, loading and parking facilities for delivery/construction vehicles/construction workers vehicles within the limits of the site for the whole phase. Wheel washing facilities are to be provided within the site. These provisions are to be maintained during the construction of each phase of development.
  - 11) No development shall take place on any phase until details of the access road to Boarded Barn Farm including a timetable for implementation have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the access shall be retained thereafter.
  - 12) No development shall take place on any phase until detailed technical/design drawings of the access from Fyfield Road as shown in principle on drawing 9W4559/RH2 Rev D have been submitted to and approved in writing by the local planning authority. The access shall be implemented in accordance with the location shown on drawing 9W4559/RH2 Rev D and the approved details prior to the first occupation of the site.
  - 13) No development shall take place on any phase until details of a) the permanent closure of the southern access and replacement with kerbs and a verge, b) the permanent closure of the northern access with the exception of emergency vehicles have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the site.
  - 14) All planting, seeding or turfing comprised in the landscaping scheme, submitted under condition 1, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of a whole phase of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the



completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation:

- 15) No development shall take place until a site investigation of the nature and extent of any contamination or ground gas for each phase has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development of each phase begins.  
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination, including a timetable for implementation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 16) There shall be no commercial or industrial deliveries, loading or unloading or outside work taking place outside the following times: 07.30 to 19.30 Monday to Friday and 08.00 to 17:00 on Saturdays. No works shall take place on Sundays or Bank Holidays.
- 17) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no development permitted by Schedule 2, part 8, Classes A - D or Schedule 2 part 41 Classes A - B shall take place.
- 18) Prior to installation, details of any new fixed plant or machinery shall be submitted to and approved in writing by the local planning authority. The installation shall be carried out in accordance with the approved details.