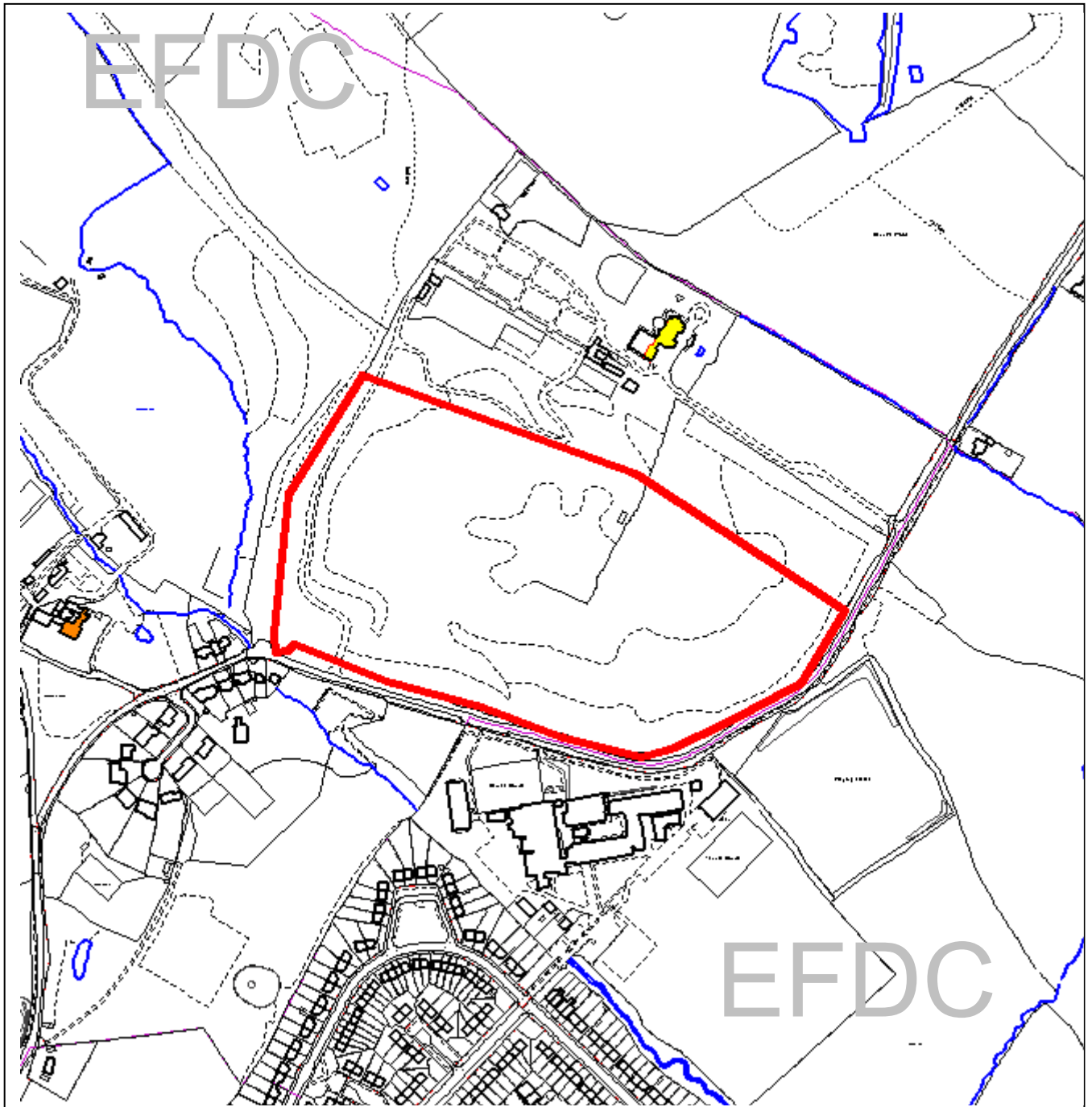


Extract from Area Plans South Meeting 8 January 2014



Epping Forest District Council



Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Contains Ordnance Survey Data. © Crown Copyright 2013 EFDC License No: 100018534

Contains Royal Mail Data. © Royal Mail Copyright & Database Right 2013

Application Number:	EPF/2036/13
Site Name:	Ripley Grange, Debden Lane Loughton, IG10 2PD
Scale of Plot:	1/5000

Report Item No: 8

APPLICATION No:	EPF/2036/13
SITE ADDRESS:	Ripley Grange Debden Lane Loughton Essex IG10 2PD
PARISH:	Loughton
WARD:	Loughton St Johns
APPLICANT:	Mr Mark Anderson
DESCRIPTION OF PROPOSAL:	Erection of single dwelling house.
RECOMMENDED DECISION:	Refuse Permission

Click on the link below to view related plans and documents for this case:

http://planpub.eppingforestdc.gov.uk/AniteIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=554570

REASON FOR REFUSAL

- 1 The site is within the area identified in the Epping Forest District Local Plan as Metropolitan Green Belt. The proposal constitutes inappropriate development and is harmful to the purposes of including land in the Green Belt contrary to the Government advice contained within the NPPF and Policy GB2A of the Adopted Local Plan and Alterations. Furthermore, there are no very special circumstances that outweigh the harm of the proposal to the Metropolitan Green Belt.
- 2 The proposal leads to the creation of a new access onto Debden Road, which will result in a break in the continuous vegetation frontage and a result in a domestic intrusion to the detriment of the character of the existing streetscene, the Metropolitan Green Belt and the wider landscape. The proposal is therefore contrary to the Government advice contained within the NPPF and policies DBE4, GB2A, GB7A and LL10 of the Adopted Local Plan and Alterations.

This application is before this Committee since it has been 'called in' by Councillor Pond (Pursuant to The Constitution, Part Three: Planning Directorate – Delegation of Council function, Schedule 1, Appendix A.(h))

Description of Site:

The application site is a 9.21 hectare site, located to the south of the residential curtilage of Ripley Grange and to the north of Davenant School (on the opposite side of Debden Road). The site is within the ownership of Ripley Grange. The site slopes up to the North West, by quite a degree with a change in levels of some 20m from one side to the other. The site is currently informally landscaped with historic tree planting and informal mown areas, although it is not considered part of the defined residential curtilage of Ripley Grange. There is an existing vehicular access to the west of the site accessed from Debden Road (separate to the main access to Ripley Grange).

The site backs onto Epping Forest land which is designated as a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). The site is within the Metropolitan Green Belt and is located within a more open area separating the built up areas of Loughton and Theydon Bois.

Description of Proposal:

The application seeks planning permission for the erection of a single dwelling house. Although the application area is large, the application has been revised since first submission and now shows a reduced residential curtilage. The dwelling will be partly underground with a flat roof 'glass box' structure above ground and a courtyard/parking and bedroom accommodation below ground with the parking accessed by a sloping vehicle access into the ground. Above ground the proposal will have a width of 26m, depth of 10.5m, height of 4m and overall footprint of 273m². Below ground the proposal will have a footprint of some 576m² including the courtyard area. The site levels will have to be altered, to create a level site and light wells have been proposed to the side, front and rear to allow for natural light to reach the below ground level.

The proposal also includes a new vehicular access from Debden Road and a 119m² photovoltaic panel area both of which will be outside of the defined residential curtilage but are proposed to serve the new house. Landscaping proposals have also been put forward including a willow coppice to the North West of the site.

Relevant History:

None relevant

Policies Applied:

Epping Forest District Local Plan and Alterations

CP1 – Achieving Sustainability Objectives
CP2 – Protecting the Quality of the Rural and Built Environment
CP3 – New Development
CP4 – Energy Conservation
CP5 – Sustainable Building
DBE1 – Design of New Buildings
DBE2 – Effect on Neighbouring Properties
DBE4 – Design in the Green Belt
DBE8 – Private Amenity Space
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
LL11 – Landscaping Schemes
NC4 – Habitats
ST1 – Location of Development
ST4 – Road Safety
ST6 – Vehicle Parking

The above policies are compliant with the National Planning Policy Framework (NPPF).

Summary of Representations:

LOUGHTON TOWN COUNCIL: The Committee decided not to object to this application but expressed concern about the proposed development, which was sited within the Green Belt. However, members took the view that if the District Council was minded to grant permission, this

would facilitate the protection of the 20-acre green belt site the eco-dwellings was to be situated within, provided a covenant exercisable by Town Council was drawn up to protect against further development on this site by the applicant or his successors in title.

Members were uncertain about the application of the National Planning Policy Framework (NPPF) green belt and paragraph 55 provisions respectively with regard to this proposal

The Committee also asked for a Section 106 agreement to provide road safety improvements to and signalisation of the dangerous double bends on Debden Lane.

Neighbours: 5 neighbours consulted and a site notice erected:

LOUGHTON RESIDENT'S ASSOCIATION – Object to build within the Green Belt

DAVENANT FOUNDATION SCHOOL – Support the application although have concerns about the access and existing highway issues. Improvements to the existing traffic situation with regards to signage and parking requested

CORPORATION OF LONDON – Objection – contrary to policy and no very special circumstances, concern with regard to location of proposed access

7 WOODLAND WAY, THEYDON BOIS – Strong objection to new access and new dwelling, loss of hedgerow, already a separate access to the site.

THEYDON BOIS AND DISTRICT RURAL PRESERVATION SOCIETY – Objection – development within the Green Belt, no very special circumstances, refer LPA to Appeal Decision APP/H4505/A/13/2193211, intrusion of garden paraphernalia

THEYDON BOIS ACTION GROUP – Strong objection – development is in the Green Belt and adjacent to a SSSI, confusion of openness and visual openness, concern over size of residential curtilage, refer LPA to Appeal Decision APP/H4505/A/13/2193211, NPPF makes it clear that there is no presumption in favour of sustainable development in the Green Belt, no justification for new access, offer of highway contribution does not make the application any more acceptable in Green Belt, no very special circumstances

1A THE GREEN – Object to site within the Green Belt, adjacent to a SSSI and SAC, eco qualities do not qualify as 'special architectural merit', house will not be seen therefore will not raise local design standards, unnecessary for new access

CAMPAIGN FOR RURAL ESSEX (EPPING FOREST BRANCH) – Objection site is within the Green Belt, adjacent to SSSI and SAC, no very special circumstances, loss of hedgerow, large residential curtilage

Issues and Considerations:

The main issues that arise with this application are considered to be the following:

- Green Belt
- Design
- Impact on Amenity
- Landscaping
- Highway Issues
- Nature Conservation

Green Belt Considerations including Very Special Circumstances

Principle of Development

The National Planning Policy Framework at paragraph 89, states that the construction of new buildings in the Green Belt is inappropriate. However, exceptions to this general provision include limited infilling in villages and limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

In addition, Local Plan Policy GB2A restricts new residential development in the Green Belt unless for a replacement dwelling on a one for one basis or a dwelling for an agricultural, horticultural or forestry worker. GB2A is considered consistent with NPPF policy. Therefore the principle of a new dwelling in this location would be inappropriate development contrary to both National and Local guidance.

Openness

One of the essential characteristics of the Green Belt is its openness, and one of its purposes is to assist in safeguarding the countryside from encroachment. This is considered to be a very important function of this site given its location between two built up areas. The proposed dwelling would not be seen from a public viewpoint; however it would be development on currently undeveloped land in the countryside. Regardless of the fact that the proposal includes development underground, the proposed dwelling would be perceived as impinging on the openness of the Green Belt, particularly because a built form (along with the ancillary ground works, access road and ancillary structures such as the photovoltaic panel) would be introduced on land where no development currently exists.

In addition, the opening up of a new access on to Debden Lane will clearly have a visual impact on the character and openness of the area (which is currently an existing hedgerow). Furthermore, the access will clearly have the appearance of leading to some form of development (though not visible) and no justification has been adequately provided as to why the new access is required and/or the existing access cannot be permanently closed.

Just because a development cannot be seen from outside of an application site does not take away from the harmful effect on openness which represents additional harm to the Green Belt over and above that resulting from the inappropriate nature of the development. This also attracts substantial weight against the development.

Paragraphs 79 and 80 of the NPPF focus on the importance of the Green Belt preventing urban sprawl by keeping land permanently open and it is considered that these two paragraphs in particular make it clear that Green Belt designation assists 'in safeguarding the countryside from encroachment' and therefore it is considered that any encroachment in the Green Belt is harm to the openness of the Green Belt.

Very Special Circumstances

As part of the application proposal a justification has been submitted as part of the design and access statement which, whilst accepting that in principle a new dwelling in this location would be inappropriate development, provides the Applicants justification as to why very special circumstances that outweigh the harm to the Green Belt apply in this case, these include the sustainability of the build, the implications of paragraph 55 of the NPPF, that the proposal is a replacement building and that Highway contributions have been offered and these are addressed separately below.

- Sustainable Building

The design rationale of the proposal is the main theme of the very special circumstances put forward (the design itself will be discussed in further detail below). The justification suggests that the proposal will aim to use innovative and exemplar construction techniques, with the latest and most up to date technologies to supply energy from renewable or low carbon sources. The technologies proposed include:

- Photovoltaic Array
- Biomass Boiler (with willow coppice to be planted)
- Hydrogen Fuel Cell
- A Combined Heat and Power Source (CHP)
- Greywater recycling

The statement suggests that it is the aim that the building will be a low or zero carbon building. However a low or zero carbon building, although commendable, does not have to be located within the Green Belt and therefore this in itself is not considered justification for a dwelling in this location.

Although the NPPF has a strong and highly publicised presumption in favour of sustainable development, paragraph 14 which highlights this presumption provides a caveat in that sustainable development does not outweigh the harm a development may have where other specific policies within the Framework indicate development should be restricted and Green Belt policy is one of those policies specifically named.

- Paragraph 55 of the NPPF

The Design and Access statement submitted by the Applicant's also refers to paragraph 55 of the NPPF which states:

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling. Such a design should:*
 - *be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
 - *reflect the highest standards in architecture;*
 - *significantly enhance its immediate setting; and*
 - *be sensitive to the defining characteristics of the local area.*

The submitted statement suggests that as this is a proposal for an isolated new home in the countryside, and by the Applicant's suggestion the proposal is of exceptional quality and of an innovative nature therefore the proposal is compliant with paragraph 55 of the NPPF.

However, outstanding or innovative are rather subjective and it is difficult to fully design something so innovative that elements of such a design have not been tried before either in part or full. However, it is not considered that the Applicants have fully taken into account the four individual points of the last bullet point.

It is firstly not considered that this location is truly what the NPPF means in terms of a 'rural area'. The site is located between Theydon Bois and Loughton and is not located within a small isolated village with a rural community requiring enhancement or vitality maintenance.

It is also not considered that a house that can not be seen from outside of the site can help to 'raise standards of design more generally in rural areas'. Additionally it is unclear how this proposal will enhance the immediate setting of the application site, which is currently a relatively attractive open piece of land with parkland type tree planting and therefore it is arguable whether any enhancements are actually required.

Several of the representations received objecting to this application included reference for an appeal decision from Gateshead Council where the Inspector specifically deals with paragraph 55 of the NPPF. This appears to have been a similar scheme for a new dwelling within the Green Belt, with the Appellant's arguing that due to the design it fell within the criteria of paragraph 55 of the NPPF and therefore should have been allowed by the Council. The Inspector dismissed this appeal.

The Appeal Inspector did not disagree with the Appellant's suggestion that the proposal was innovative or a high standard of design, but did state that the whole of the criterion in paragraph 55 must be judged. In a similar situation to this proposal, the proposed dwelling could not be seen from outside of the site and the Inspector therefore stated that *'If it cannot be seen, it cannot hope to influence design standards to any significant degree. Thus, for all its qualities, the proposal cannot satisfy this part of the criterion'*.

Therefore it is not considered that paragraph 55 of the NPPF provides any justification for very special circumstances that outweighs the harm to the Green Belt. And it is noted that this paragraph does not reference Green Belt policy, nor suggest that compliance with this policy would outweigh any harm to the Green Belt.

- Replacement Structure

As an additional factor for very special circumstances, the design and access statement suggests that there was a previous 'structure' on the site in the location of the proposed dwelling and therefore the proposal is a replacement dwelling complying with policy GB2A. No evidence of this 'structure' has been put forward and the Council does not have any evidence of a structure, let alone a dwelling being located on the application site. In any event for a replacement dwelling to be considered within the Green Belt the proposal would have to be a replacement i.e. in place of something that is actually there and not the ghost of a building.

- Highway Contribution

Highways issues will be discussed in greater detail below, however the justification for the new dwelling also includes a section on road safety enhancements close to Davenant School which could form part of the application. It is understood by the Council and highlighted by the submitted representation from the school that there are highway issues on this road which are associated with the school. However, a contribution for road safety enhancements has not been requested by Essex County Council, as the addition of one house in this location will not result in any tangible increase in traffic on this road and therefore such a request for a contribution would not be considered necessary, directly related to the proposed development, or fairly and reasonably related in scale and kind to the proposed development.

Therefore in conclusion no very special circumstances have been put forward to outweigh the harm to the green belt and the proposal is still considered contrary policy.

Design

In isolation the design of the proposal is considered acceptable. It is a modern, contemporary design but will be viewed in isolation from any other built form and therefore does not have to necessarily complement any other buildings. It is an unusual, inventive design partly built underground, which is considered the more contemporary element with a flat roof 'box like' above ground element which although modern is not so inventive in appearance.

Some of the design features are novel, such as the Douglas Fir cladding on the internal partitions within the 'glass box' to create a natural appearance and further 'blend' the house into the landscape. The theory of this is a clever one, however it is considered that this may only work on a 'show house' as in practice once someone is actually living in the house, domestic paraphernalia i.e. furniture, paintings, photographs, ornaments, desire to re-decorate etc. will partly block/hide the Douglas Fir therefore, in effect, deleting this element of the design.

However, notwithstanding the Green Belt issues raised above the design in isolation is considered acceptable.

Amenity

Given the distances to the nearest neighbouring properties, including the host property, it is not considered that the proposal will raise any significant amenity issues.

Landscaping

The Tree and Landscape Officer has no objection to the siting of the new dwelling but raises concern regarding the extent of the development across the whole site (e.g. the photovoltaic array located outside of the 'residential curtilage') and the retention of old access/creation of a new access.

Although further information has been received regarding the retention of the existing access – to provide a separate access to the willow coppice which will be harvested, removed from site, processed then returned, this appears as a weak argument given the 'eco credentials' that the proposal purports to have and that the willow coppice can be accessed from within the site if necessary.

Highways

The Essex County Council Highways Officer has no objection to the scheme subject to conditions as the proposal is not contrary to Highway policies. The proposed development of one dwelling with associated access meets the highest visibility standards for the road and consequently will not cause any detriment to highway safety, efficiency or capacity in the locality.

The Highways Officer noted that within the application it has been proposed that the development could contribute something towards safety improvements for the existing situation along Debden Lane to the rear of the nearby school [Davenant Foundation School]. It is the opinion of the Highway Authority that this is not necessary, related to or reasonable for the application to be acceptable in highway terms and has therefore not requested any contributions or works to be undertaken as a result. The situation on Debden Lane is as existing and has nothing to do with the proposed development.

Traffic calming/safety measures for this part of Debden Lane can be pursued separately to any planning application and it is understood that a recent feasibility study has been carried out by Essex County Council at the behest of local councillors on the Local Highways Panel (LHP) for the possible implementation of a 20mph speed limit along this very section of road – the results of which are pending.

Nature Conservation

A habitat survey was not originally submitted as part of the application, however this was provided as additional information following a request by the Council's Countryside Manager. The site, as mentioned above is adjacent to a SSSI and SAC which are both designations applying to Epping Forest. Due to this it is reasonable to expect wildlife to cross into the application site. The Countryside Manager, following receipt of the Phase 1 Habitat Survey has requested a condition ensuring that follow-up surveys for reptiles, bats and dormice, along with a Habitat Suitability Index assessment takes place of all ponds within 500m of the site with any necessary mitigation strategies are carried out as per the recommendations within the Phase1 report.

Comments on Representations Received

The Town Council consider that this proposal would protect a 20-acre green belt site; however this site is already protected by Green Belt policy which restricts development.

Concern has been raised with regards to the extent of the proposed residential curtilage, although this has been reduced in size since the original submission, it is still a very large residential curtilage which will result in a large spread of residential garden paraphernalia i.e. chairs and tables, play equipment, washing line etc. beyond a 'normal' size garden and this is considered to further encroach on Green Belt openness in this location.

Conclusion:

The harm that has been identified as a consequence of the inappropriateness of the development and its effect on openness carry substantial weight against the proposal. The other considerations identified carry moderate, very little, minimal or no weight in favour, and it is concluded they are insufficient to clearly outweigh the harm to the Green Belt. In addition the new access road with little justification nor reason as to why the other access cannot be permanently closed will be a prominent visual break in the existing character of the existing landscaping and Green Belt. The very special circumstances necessary to justify the development therefore do not exist and the recommendation is to refuse the application.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

***Planning Application Case Officer: Marie-Claire Tovey
Direct Line Telephone Number: 01992 564371***

or if no direct contact can be made please email: contactplanning@eppingforestdc.gov.uk