
Appeal Decision

Site visit made on 30 June 2015

by **Nick Palmer BA (Hons) BPI MRTPI**

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

Decision date: 27 July 2015

Appeal Ref: APP/J1535/W/15/3007926

Broad Bank, Ivy Chimneys, Epping, Essex CM16 4EL

- 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 Mr Michael Payne against the decision of Epping Forest District Council.
 - The application Ref EPF/2056/14, dated 25 August 2014, was refused by notice dated 10 December 2014.
 - The development proposed is demolition and removal of stables and hardstandings, provision of access road with turning head and erection of five detached dwellings with garages and car spaces, including ancillary works and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is for outline planning permission with all matters reserved for subsequent consideration. Two illustrative layout plans have been submitted which show possible layouts. I shall consider the proposal on the basis.

Main Issues

3. The main issues in the appeal are:
 - i) whether or not the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework);
 - ii) the effect of the proposal on the Green Belt;
 - iii) the effect of the proposal on the character and appearance of the area;
 - iv) whether or not there are other considerations weighing in favour of the proposal; and
 - v) if the proposal would be inappropriate development, 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 it.

Reasons

Inappropriate Development and Effect on Green Belt

4. The appeal property includes a detached dwelling adjacent to the road frontage with a number of stables and a barn to the rear and a ménage and hard standing at the northern end of the site. The Council advises that the equestrian part of the site is within the Metropolitan Green Belt. The land adjacent to the rear of the site is open and includes paddocks and a recreation ground.
5. The site is previously developed land in accordance with the definition in Annex 2 to the Framework given that it forms a curtilage in association with the stables. Paragraph 89 of the Framework allows for the redevelopment of previously developed sites to form an exception to inappropriate development in Green Belt. This is subject to the development not having a greater impact on the openness of the Green Belt and the purpose of including land in it than the existing development.
6. The appellant has supplied details of the volume of the existing buildings and the likely volume of the proposed dwellings based on the illustrative details. These calculations demonstrate that the likely volume of the proposed dwellings would be about 200 m³ greater than that of the existing buildings. Garages would be added to this but the increase in the volume of built development would be modest.
7. The Council has granted outline permission¹ for three dwellings on the site subject to a condition restricting development of the ménage and hard standing at the northern end of the site. The Council's concern regarding the appeal proposal is that the five proposed dwellings would inevitably encroach into that area. The second of the illustrative layout plans (plan B) purports to show the development covering only the area occupied by buildings at present. Notwithstanding the site plan of the dwelling and stables submitted with the application, it is clear to me from having seen the site and from the ordnance survey map of the site that two of the dwellings shown on the illustrative layout on plan B would significantly encroach into the area occupied by the ménage and hard standing. Those areas are distinct from the parts of the site occupied by buildings and they have an open quality in common with the adjoining land. I note that they were formerly surfaced areas but much of that surface has either been removed or become overgrown.
8. The encroachment of development into the open area to the north of the buildings would be contrary to one of the purposes of including land in the Green Belt which is to safeguard the countryside from encroachment. It would also by extending the coverage of built development have a greater impact on the openness of the Green Belt than the existing buildings. For these reasons and given that the volume of built development would increase the proposal would be inappropriate development in the Green Belt. This is, by definition harmful to the Green Belt and substantial weight should be given to that harm.²
9. Policy GB2A of the Epping Forest District Local Plan Alterations (LP) (2006) is not entirely in accordance with the Framework in that it does not make

¹ Ref OUT/EPF/0458/15

² Framework paragraphs 87 and 88

provision for the redevelopment of previously developed land. The proposal would not accord with that policy but I can only give limited weight to this on the basis of its inconsistency with the Framework.

Character and Appearance

10. Although most of the site is occupied by buildings its use for equestrian purposes is consistent with the character of the adjacent countryside. The proposal would noticeably alter that character by increasing the extent of built development and the formation of domestic gardens with associated enclosures and other structures.
11. The site is close to the edge of Epping Forest where any significant changes to the landscape would be likely to affect the wider landscape character. The proposal would not for the reasons given accord with policy CP2 of the LP which requires that the countryside character and its landscape are conserved.
12. For these reasons the proposal would harm the character and appearance of the area. Taking into account the extent of existing buildings on the site that harm would be limited however and on this basis I give limited weight to that harm.

Other Considerations

13. The proposal would meet the social and economic dimensions to sustainable development because of the provision of housing which would be accessible to a range of services and facilities by means other than the car. I give weight in favour of the proposal on this basis but that weight is limited because the proposal would not for the above reasons meet the environmental dimension to sustainable development. In coming to this view I have taken into account the illustrative layout plans which demonstrate that acceptable amenity space and means of access could be achieved.

Very Special Circumstances

14. Paragraph 87 of the Framework sets out the general presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development 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.
15. I have concluded that the proposal would be inappropriate development and would therefore, by definition be harmful to the Green Belt. I have also concluded that the proposal would be harmful to the Green Belt in terms of its effect on openness and its encroachment. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt.
16. I have also concluded that the proposal would harm the character and appearance of the area and that limited weight should be attached to that harm.
17. On the other hand I give limited weight to the benefit of the proposal in terms of the social and economic dimensions to sustainable development. That limited weight is not sufficient to clearly outweigh the substantial and limited

weights which I give to the harms identified. As such the proposal cannot be justified on the basis of very special circumstances.

Conclusion

18. For the reasons given I conclude that the appeal should be dismissed.

Nick Palmer

INSPECTOR