



Appeal Decision

Site visit made on 27 June 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 14th July 2017

Appeal Ref: APP/J1535/W/17/3172481

Land adjacent to Magnolia House, Abridge Road, Theydon Bois, Epping CM16 7NR

- 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 E Maxwell against the decision of Epping Forest District Council.
 - The application Ref EPF/2882/16, dated 1 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is construction of access way to serve existing B8 storage buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction of access way to serve existing B8 storage buildings at land adjacent to Magnolia House, Abridge Road, Theydon Bois, Epping CM16 7NR in accordance with the terms of the application, Ref EPF/2882/16, dated 1 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 3331/21.
 - 3) No development shall take place until details of the proposed means of construction and surface materials for the access way have been submitted to and approved in writing by the local planning authority. The agreed surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface agreed by the local planning authority. The agreed surface treatment shall be completed prior to the access way hereby permitted being first brought into use.
 - 4) No development shall take place until details of tree and hedge planting as indicated on the approved plan and a statement of the methods for its implementation, including a timetable, have been submitted to and approved in writing by the local planning authority. The landscape scheme shall be carried out in accordance with the approved details and the agreed timetable. If any plant dies or becomes diseased within a period of five years from the date of planting, or is removed, uprooted or destroyed, it must be replaced by another plant of the same kind and size and at the same place, unless the local planning authority agrees to a variation beforehand in writing.

Main Issues

2. The main issues are:

- (a) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies; and
- (b) the effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal is inappropriate development in the Green Belt

- 3. Paragraph 90 of the NPPF establishes that engineering operations are not inappropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Policy GB2A of the Epping Forest Local Plan Alterations 2006 (LPA) does not explicitly refer to engineering operations, although supporting paragraph 5.19a does. The policy does allow for other uses of land (beyond those uses specified in the policy) which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in the Green Belt. In this respect, the policy is broadly consistent with the NPPF.
- 4. The Council and the appellant do not dispute that the proposed access way would constitute an engineering operation. It would link a recently installed vehicular crossover at the B172 to the east with a collection of storage buildings to the west that have the benefit of a lawful development certificate. A mown grass strip of land currently runs between the crossover and the storage buildings similar to the length and width of the proposed access way. It was evident on site that this grass strip is used by vehicles accessing the buildings, with rutted and potholed areas.
- 5. Reference is made by the main parties and interested parties to two other access points off the B172 to the north of the new crossover. I could see little evidence of the northernmost access point, although the overgrown route of a track running north-east from the storage buildings parallel to the M11 was apparent at my site visit. It was clear that the central access point has recently been stopped up with new fencing and planting. Notwithstanding the aerial photograph provided by an interested party, the only current route between the B172 and the storage buildings is along the grass strip.
- 6. The proposed access way would follow the same route as the grass strip with a similar width. According to the application form, the surface of the track would be gravel or shingle contained within a plastic honeycomb cellular system. As such, it would have a low key and sympathetic appearance for its countryside location. The existing fencing around Magnolia House and new tree and hedge planting would help to screen the access way. It would evidently be flush to the ground given the form of construction and would contain no kerbs or drainage gulleys. Although the access way would enable the movement of vehicles along it, this would be no different to the existing grass strip. There is no other route between the B172 and the storage buildings that would have less effect. Thus, the openness of the Green Belt would be preserved, while the most relevant Green Belt purpose of safeguarding the countryside from encroachment would be maintained.

7. Concluding on this main issue, the proposal would not be inappropriate development in the Green Belt for the reason expressed above. Therefore, there would be no conflict with LPA Policy GB2A or paragraph 90 of the NPPF.

Character and appearance

8. The appeal site is largely secluded by virtue of the vegetation bordering the B172 and M11 and a tall fence to the south which largely obscures nearby residential properties. The land to the north of the grass strip and proposed access way comprises a large area of wild grassland. A smaller area of grassland exists to the south. These areas of grassland appear undisturbed by vehicles accessing the storage buildings. As such, the area surrounding the appeal site has a clear rural and green character and appearance.
9. It is not uncommon for agricultural or storage buildings in the countryside to be accessed by hard surfaced tracks running across fields to the public highway. The proposed development would introduce hard surfacing, but of a low key and sympathetic nature, and would serve existing storage buildings already access by vehicles along the existing grass strip. The introduction of new trees and hedge planting would reinforce the rural and green qualities of the surrounding area. The formalisation of an access way would reduce the likelihood of the adjoining grassland areas being disturbed by vehicle movements. It would also limit the damage that occurs to the existing grass strip from vehicle movements in poorer weather conditions.
10. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area. Therefore, it would accord with LPA Policy LL2 which, amongst other things, requires development in the countryside to respect the character of the landscape.

Other Matters

11. As the proposed access way would travel along the existing mown grass strip, there would be little adverse effect on habitats and hunting grounds on either side. While the B172 appears to be a busy main road with a bend just to the north of the appeal site, there is little evidence that the proposed access way would increase the number of vehicles accessing this road. As such, there would be little adverse effect on highway safety.

Conditions

12. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plan are necessary for clarity and compliance. Conditions requesting details of surface materials and landscaping are necessary to ensure that the development has an acceptable visual effect. They are pre-commencement as they form the principal elements of the development that need to be established before works start.

Conclusion

13. For the reason set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR