

Committee Agenda



Epping Forest District Council

AREA PLANNING SUB-COMMITTEE WEST **Wednesday, 12th August, 2020**

You are invited to attend the next meeting of **Area Planning Sub-Committee West**, which will be held as a:

Virtual Meeting on Zoom
on **Wednesday, 12th August, 2020**
at **7.00 pm**.

Georgina Blakemore
Chief Executive

Democratic Services
Officer:

Democratic Services Tel: (01992) 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

Councillors D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, Y Knight, J Leppert, A Mitchell, D Plummer, M Sartin and D Stocker

WEBCASTING/FILMING NOTICE (VIRTUAL MEETINGS)

Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.

Therefore by participating in this virtual meeting, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. If members of the public do not wish to have their image captured they should ensure that their video setting throughout the virtual meeting is turned off and set to audio only.

In the event that technical difficulties interrupt the virtual meeting that cannot be overcome, the Chairman may need to adjourn the meeting.

If you have any queries regarding this, please contact the Corporate Communications Manager on 01992 564039.

1. WEBCASTING INTRODUCTION

1. This virtual meeting is to be webcast. Members are reminded of the need to unmute before speaking.

2. The Chairman will read the following announcement:

“I would like to remind everyone present that this meeting will be broadcast live to the internet (or filmed) and will be capable of repeated viewing (or another use by such third parties).

Please could I also remind Members of the Public who have registered to speak that they will be admitted to the meeting at the appropriate time.

Please also be aware that if technical difficulties interrupt the meeting that cannot be overcome, I may need to adjourn the meeting.”

2. ADVICE TO PUBLIC AND SPEAKERS ATTENDING THE COUNCIL PLANNING SUB-COMMITTEES (Pages 5 - 8)

General advice to people attending the meeting is attached.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 9 - 16)

To confirm the minutes of the last meeting of the Sub-Committee held on 15 July 2020.

5. DECLARATIONS OF INTEREST

To declare interests in any item on this agenda.

6. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972, requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

7. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

A Planning Policy Briefing Note (March 2018) has been produced by the Planning Policy Team to ensure that a consistent approach is taken to the provision of planning policy advice for the District, particularly in relation to the Epping Forest District Local Plan Submission Version, which was published on 18 December 2017.

The primary purpose of the Planning Policy Briefing Note is to inform the development management process and to provide assistance for Development Management Officers, Councillors, applicants and planning agents. The Planning Policy Briefing Note is available at:

http://www.efdclocalplan.org/wp-content/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

8. SITE VISITS

Members are reminded that for the duration of the coronavirus pandemic, as decided at the Group Leaders' Meeting of 24 June 2020, **no member site visits will be conducted.**

Therefore, any planning application deferred for a site visit at an Area Planning Sub-Committee will be automatically referred to the District Development Management Committee for determination.

9. PLANNING APPLICATION - EPF/0897/20 LAND AT BENTONS FARM, MIDDLE STREET, BUMBLES GREEN, NAZEING (Pages 17 - 32)

To consider the attached report regarding the development of 1no. two storey four bedroom detached residential dwelling house together with double garage. Utilising existing access from Oak Tree Close.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion: To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
Nil	Nil	Nil

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Background Papers: Article 17 - Access to Information, Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

11. REFER SIGN (Pages 33 - 34)

If any member wants to refer a planning application to the District Development Management Committee (DDMC), please hold up this refer sign in front of your screen immediately after the vote has been taken. If at least 4 members agree/hold up their refer signs, the application will be referred to DDMC.

Alternatively, if any member wishes to refer a planning application to DDMC, they should propose a motion to refer this application immediately after the vote has been taken. The Chairman will then ask for a seconder. After a seconder has been sought, the Chairman will then ask if any other member wishes to support this resolution. If at least 4 members agree then the application will be referred to DDMC, otherwise the motion to refer will fail.

Advice to Public and Speakers at virtual meetings of the Council's District Development Management Committee and Area Plans Sub-Committees

Are the meetings open to the public?

Yes all our meetings are open for you to attend virtually if you are a speaker, or to view on the Council's website. Only in special circumstances are the public excluded.

When is the meeting?

Details of the date and time of the meeting are shown at the top of the front page of the agenda along with the details of the contact officer and Members of the Committee.

Can I speak?

If you wish to speak **you must register with Democratic Services by 4.00 p.m. on the day before the meeting**, by telephoning the number shown on the front page of the agenda. Speaking to a Planning Officer will not register you to speak; you must register with Democratic Services. Speakers are not permitted on Planning Enforcement or legal issues.

Who can speak?

Three classes of speakers are generally allowed: One objector (maybe on behalf of a group), the local Parish or Town Council and the applicant or his/her agent. In some cases, a representative of another authority consulted on the application may also be allowed to speak.

What can I say?

You will be allowed to have your say about the application, but you must bear in mind that you are limited to three minutes. At the discretion of the Chairman, speakers may clarify matters relating to their presentation and answer questions from Committee members.

Speakers will be contacted just before they will be asked to speak by telephone by an officer of the Council. If you are not present by the time your item is considered, the Committee will determine the application in your absence. Speakers should be following the meeting on the Council's webcaster to enable them to know when their item will be considered.

If you have registered to speak on a planning application to be considered by the District Development Management Committee, Area Plans Sub-Committee East, Area Plans Sub-Committee West or Area Plans Sub-Committee South you will address the Committee virtually. This will likely be by phone at the appropriate time in the meeting when a Democratic Services Officer will contact you. Therefore, a transcript of your representation must be supplied in advance of the meeting to enable the Democratic Services Officer to read this out on your behalf should there be a technical problem. Please email your written statement to democraticservices@eppingforestdc.gov.uk

Can I give the Councillors more information about my application or my objection?

Yes you can, but it must not be presented at the meeting. If you wish to send further information to Councillors, their contact details can be obtained from Democratic Services or our website <https://www.eppingforestdc.gov.uk>. Any information sent to Councillors should be copied to the Planning Officer dealing with the application.

How are the applications considered?

The Committee will consider applications in the agenda order. On each case they will listen to an outline of the application by the Planning Officer. They will then hear any speakers' presentations.

The order of speaking will be (1) Objector, (2) Parish/Town Council, then (3) Applicant or his/her agent. The Committee will then debate the application and vote on either the recommendations of officers in the agenda or a proposal made by the Committee. Should the Committee propose to follow a course of action different to officer recommendation, it is required to give its reasons for doing so.

An Area Plans Sub-Committee is required to refer applications to the District Development Management Committee where:

- (a) the Sub-Committee's proposed decision is a substantial departure from:
 - (i) the Council's approved policy framework; or
 - (ii) the development or other approved plan for the area; or
 - (iii) it would be required to be referred to the Secretary of State for approval as required by current government circular or directive;
- (b) the refusal of consent may involve the payment of compensation; or
- (c) the District Development Management Committee have previously considered the application or type of development and has so requested; or
- (d) the Sub-Committee wish, for any reason, to refer the application to the District Development Management Committee for decision by resolution.

Further Information

Further information can be obtained from Democratic Services.

Area Planning Sub-Committee West 2020-21

Members of the Committee and Wards Represented:



Chairman
Cllr Dorrell
Waltham
Abbey
Paternoster

Vice-Chairman
Cllr Lea
Waltham Abbey
North East

Cllr Avey
Broadley
Common,
Epping Upland
and Nazeing

Cllr Bassett
Lower Nazeing

Cllr Heather
Waltham
Abbey
Honey Lane



Cllr H Kane
Waltham Abbey
South West

Cllr S Kane
Waltham Abbey
Honey Lane

**Cllr Y
Knight**
Lower
Nazeing

Cllr Leppert
Waltham
Abbey
Paternoster

Cllr Mitchell
Waltham
Abbey North
East



Cllr Plummer
Waltham
Abbey South
West

Cllr Sartin
Roydon

Cllr Stocker
Waltham
Abbey
Honey Lane

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Area Planning Sub-Committee **Date:** 15 July 2020
West

Place: Virtual Meeting on Zoom **Time:** 7.00 - 9.25 pm

Members Present: D Dorrell (Chairman), J Lea (Vice-Chairman), N Avey, R Bassett, S Heather, H Kane, S Kane, J Leppert, D Plummer and M Sartin

Other Councillors: -

Apologies: Y Knight, A Mitchell, S Stavrou and D Stocker

Officers Present: J Godden (Heritage, Enforcement & Landscaping Team Manager), A Marx (Development Manager Service Manager (Planning)), V Messenger (Democratic Services Officer), R Moreton (Corporate Communications Officer) and G Woodhall (Democratic & Electoral Services Officer)

11. WEBCASTING INTRODUCTION

The Chairman made a short address to remind all present that this virtual meeting would be broadcast live on the Internet, and that the Council had adopted a protocol for the webcasting of its meetings. The Sub-Committee noted the Council's Protocol for Webcasting of Council and Other Meetings.

12. WELCOME AND INTRODUCTION

The Chairman welcomed members of the public to the meeting and outlined the procedures and arrangements agreed by the Council, to enable persons to address the Sub-Committee in relation to the determination of applications for planning permission.

13. MINUTES

Resolved:

- (1) That the minutes of the meeting of the Sub-Committee held on 17 June 2020 be taken as read and signed by the Chairman as a correct record.

14. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Conduct, Councillor M Sartin declared a personal interest in the following items of the agenda, by virtue of being a member of the Lea Valley Regional Park Authority. The Councillor declared that she had not taken part in any discussions regarding these applications and that she would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2562/19 – Oakleigh Nursery, Paynes Lane, Nazeing;

- EPF/2563/19 – Oakleigh Nursery, Paynes Lane, Nazeing; and
- EPF/0858/20 – Aver House, Nursery Road, Nazeing.

(b) Pursuant to the Council's Code of Conduct, Councillor S Heather declared a personal interest in the following items of the agenda, by virtue of being a member of the Lea Valley Regional Park Authority. The Councillor declared that he had not taken part in any discussions regarding these applications and that he would remain in the meeting for the consideration of the applications and voting thereon:

- EPF/2562/19 – Oakleigh Nursery, Paynes Lane, Nazeing;
- EPF/2563/19 – Oakleigh Nursery, Paynes Lane, Nazeing; and
- EPF/0858/20 – Aver House, Nursery Road, Nazeing.

15. ANY OTHER BUSINESS

The Sub-Committee noted that there was no other urgent business for consideration at the meeting.

16. EPPING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION - PLANNING POLICY BRIEFING NOTE

The Sub-Committee noted that the Epping Forest District Local Plan Submission Version Planning Policy Briefing note was available at:

http://www.efdclocalplan.org/wpcontent/uploads/2018/03/Planning-Policy-Briefing-Note_Mar-2018.pdf

17. SITE VISITS

There were no formal site visits requested by the Sub-Committee.

18. **PLANNING APPLICATION - EPF/2562/19 OAKLEIGH NURSERY, PAYNES LANE, NAZEING**

APPLICATION No:	EPF/2562/19
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Retention of existing caravan for agricultural office and business use only.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629686

CONDITIONS

- 1 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2573 - 15A4 - 201A, 2573 - 15A4 - 202A and Flood Risk Assessment by UK Flood Risk Consultants (dated 10/04/2018).
- 2 The caravan hereby approved shall only be used as an office ancillary to the business operation of the nursery and not for any residential or social purposes.
- 3 In the event that the nursery use ceases on site, the caravan hereby approved shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 4 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 5 Within 3 months of this approval, a landscaping scheme shall be submitted and agreed in writing by the Local Planning Authority to provide screening for the front and side of the mobile homes. The details as approved shall be carried out onsite

within 3 months of the date of the approval of this planning condition

19. PLANNING APPLICATION - EPF/2563/19 OAKLEIGH NURSERY, PAYNES LANE, NAZEING

APPLICATION No:	EPF/2563/19
SITE ADDRESS:	Oakleigh Nursery Paynes Lane Nazeing EN9 2EU
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Proposed permanent retention of 2 existing caravans to accommodate nursery workers.
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=629687

CONDITIONS

- 1 On or before the expiration of 28 days from the date of this approval, the 2 dilapidated caravans at present located at the site as shown on drawing number 2573-15A4-202A, and any associated base, dwarf wall or associated works shall be removed, and the land shall thereafter cease to be used for the stationing of a caravan.
- 2 The development hereby permitted will be completed and retained strictly in accordance with the approved drawings numbers: 2573-15A4-201A, 2573-15A4-202A and the Flood Risk Assessment by UK Flood Risk Consultants (dated 10/04/2018).
- 3 The occupation of the 2 caravans hereby approved shall be limited to persons solely or mainly working, or last working, at Oakleigh Nursery as horticultural workers.
- 4 There shall be no external lighting erected or fitted on or by the mobile homes.
- 5 Each mobile home shall not have more than four adult persons residing in it at any time.
- 6 There is to be no residential vehicular access to the mobile homes via the southern gate on the approved fence and gates.
- 7 In the event that the nursery use ceases on site, the caravans hereby approved shall be removed from the site, and any associated base, dwarf wall or associated works shall be removed, and the land shall thereafter cease to be used for the stationing of

caravans for residential accommodation.

- 8 The proposed use of this site has been identified as being particularly vulnerable if land contamination is present. Should any discoloured or odorous soils be encountered during development works or should any hazardous materials or significant quantities of non-soil forming materials be found, then all development works should be stopped, the local planning authority contacted and a scheme to investigate the risks and/or the adoption of any required remedial measures be submitted to, agreed and approved in writing by the local planning authority prior to the recommencement of development works. In such instances, following the completion of development works and prior to the first occupation of the site, sufficient information must be submitted to demonstrate that any required remedial measures were satisfactorily implemented or confirmation provided that no unexpected contamination was encountered.
- 9 Within 3 months of this approval, a landscaping scheme shall be submitted and agreed in writing by the Local Planning Authority to provide screening for the front and side of the mobile homes. The details as approved shall be carried out onsite within 3 months of the date of the approval of this planning condition.

20. **PLANNING APPLICATION - EPF/0135/20 80 UPSHIRE ROAD, WALTHAM ABBEY**

APPLICATION No:	EPF/0135/20
SITE ADDRESS:	80 Upshire Road Waltham Abbey EN9 3PA
PARISH:	Waltham Abbey
WARD:	Waltham Abbey Paternoster
DESCRIPTION OF PROPOSAL:	Retention of the outbuilding
DECISION:	Grant Permission (With Conditions)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=632596

CONDITIONS

- 1 The development hereby permitted will be retained strictly in accordance with the approved drawings numbers: Location Plan, Existing Front and Rear Elevation, Existing ground floor plan (1), Existing Side Elevation (3) and Existing Side Elevation (4).
- 2 The proposed development shall only be used as ancillary use for the existing dwellinghouse and shall not be occupied as a unit separately from the dwelling known as no. 80 Upshire Road.

21. **PLANNING APPLICATION - EPF/0665/20 80 UPSHIRE ROAD, WALTHAM ABBEY**

APPLICATION No:	EPF/0665/20
SITE ADDRESS:	80 Upshire Road Waltham Abbey EN9 3PA
PARISH:	Waltham Abbey
DESCRIPTION OF PROPOSAL:	Proposed double storey side extension with part single storey rear extension & skylights. (Revised application to EPF/1897/19)
DECISION:	Refuse Permission (Householder)

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=635159

REASONS FOR REFUSAL

- 1 The proposal would result in an cramped form of development which due to its bulk and mass would have an unacceptable adverse impact on the character and appearance of the street scene and an overbearing impact on the neighbouring property at 82 Upshire Road, and lack refuse facilities, contrary to the NPPF and policies DBE 9 & 10 of the adopted Local Plan and policies DM9 & 10 of the submitted version Local Plan

Members were concerned about the bulk and mass of the extension especially with the closeness to the large retained outbuilding in the rear garden, and the lack of provision for refuse facilities.

Way forward

To reduce the bulk and mass of the extension and include suitable refuse facilities.

22. PLANNING APPLICATION - EPF/0858/20 AVER HOUSE, NURSERY ROAD, NAZEING

APPLICATION No:	EPF/0858/20
SITE ADDRESS:	Aver House Nursery Road Nazeing Waltham Abbey EN9 2JE
PARISH:	Nazeing
WARD:	Lower Nazeing
DESCRIPTION OF PROPOSAL:	Demolition of a commercial building and replacement with a single dwelling.(Revised application to EPF/0196/19).
DECISION:	Deferred

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=636162

DEFERRED TO DDMC – with members recommendation to grant

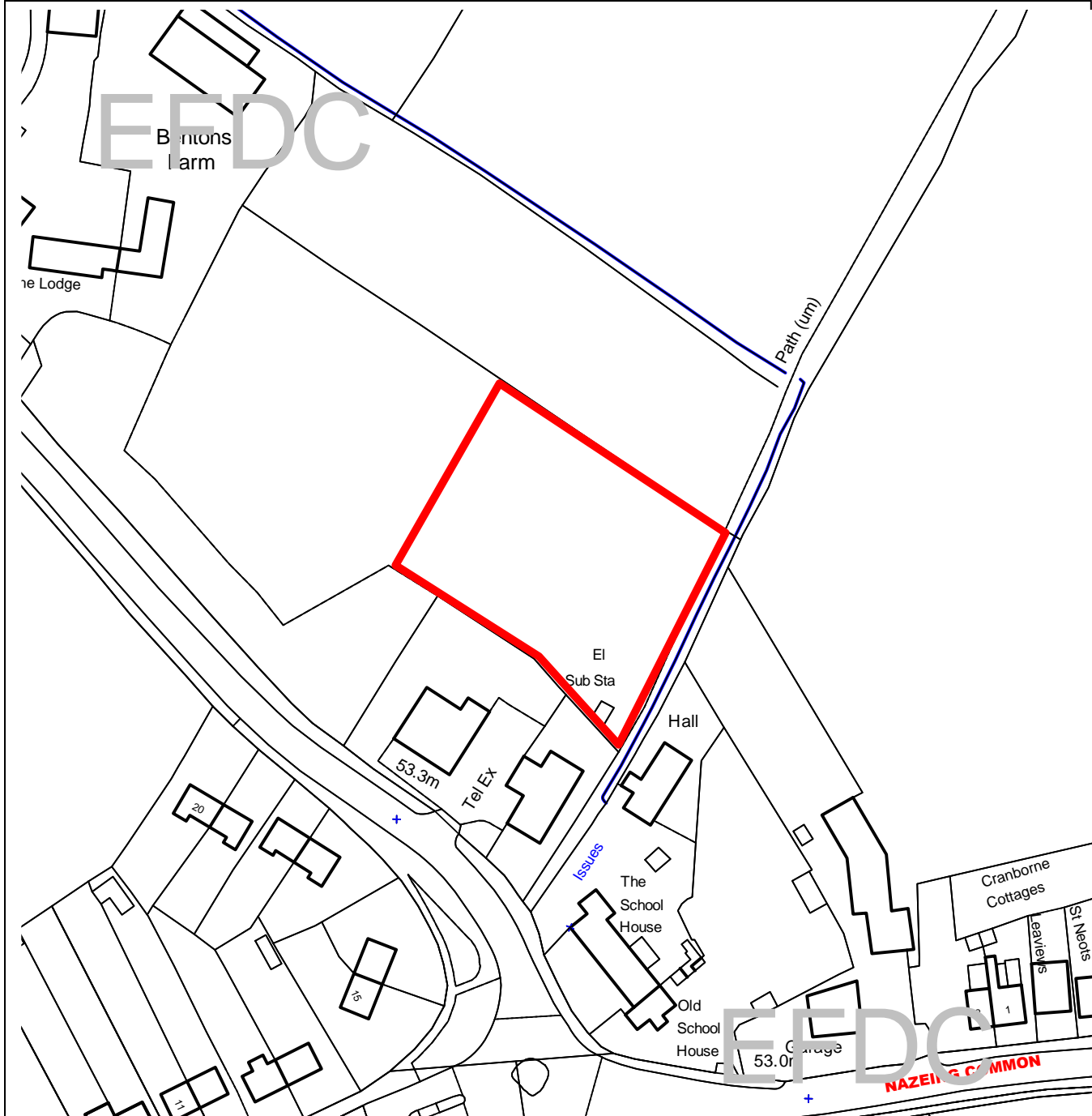
23. EXCLUSION OF PUBLIC AND PRESS

The Sub-Committee noted that there was no business which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN



Epping Forest District Council



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Application Number:	EPF/0897/20
Site Name:	Land at Bentons Farm Middle Street Bumbles Green Nazeing EN9 2LN
Scale of Plot:	1:1250

Report Item No: 9

APPLICATION No:	EPF/0897/20
SITE ADDRESS:	Land at Bentons Farm Middle Street Bumbles Green Nazeing EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	R&V Bray
DESCRIPTION OF PROPOSAL:	Development of 1 no. two storey four bedroom detached residential dwelling house together with double garage. Utilising existing access from Oak Tree Close.
RECOMMENDED DECISION:	Refuse Permission

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

http://planpub.eppingforestdc.gov.uk/NIM.websearch/ExternalEntryPoint.aspx?SEARCH_TYPE=1&DOC_CLASS_CODE=PL&FOLDER1_REF=636354

REASONS FOR REFUSAL

- 1 The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.
- 2 The proposed dwelling is significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore, the grain of development would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. The suburban character of the development would be reinforced by the repetitive design of the proposed new dwellings, mirroring the ones previously granted. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations, DM 7 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.
- 3 The application does not provide sufficient information to satisfy the Council, as competent authority, that the development has not adversely affected the integrity of the Epping Forest Special Area for Conservation and there are no alternative solutions or imperative reasons of overriding public interest why the development should be permitted. As such, the development is contrary to policies CP1 and CP6 of the Adopted Local Plan and Alterations, policies DM2 and DM22 of the Submission Version Local Plan 2017 and the requirements of the Habitats Regulations 2017.

This application is before this Committee since it has been 'called in' by Councillor Avey (Pursuant to The Constitution Part 3: Part Three: Scheme of Delegation to Officers from Full Council)).

Description of site

The application site is located on the northern side of Middle Street which is within the settlement of Nazeing. The site has a roughly rectangular shape and measures 0.19 hectares. The site is currently covered in vegetation. Adjoining the western boundary is a cul-de sac of 4 houses approved under reference EPF/0292/17. To the north are open fields, to the east are commercial uses and to the south is a telephone exchange building and workshop.

The application site is also located within the boundaries of the Nazeing and South Roydon Conservation Area and Metropolitan Green Belt.

Description of proposal

Permission is sought for the development of 1 no. two storey four bedroom detached residential dwelling house together with a double garage. Access will be from the existing access at Oak Tree Close.

Relevant History

Planning permission was granted under reference EPF/0292/17 for the construction of 4 no. detached four-bedroom residential dwellings. This permission is west of the application site on land owned by the applicant.

Planning permission was refused under reference EPF/0510/19 for an extension to four residential dwellings on an adjoining site. Infill comprising of x 2 no. four bedroom residential dwellings on the grounds that: -

- (1) The proposal constitutes inappropriate development in the Green Belt, for which there are no very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt and therefore the proposal is contrary to policies GB2A and GB7A of the Adopted Local Plan and Alterations, DM4 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.

- (2) The proposed dwellings are significantly recessed from the public carriageway which introduces an inappropriate pattern of development, in stark contrast to the prevailing character of the Conservation Area. The pattern of development is an important aspect of the Conservation Area and the proposal fails to preserve or enhance this pattern. Furthermore, the grain of development would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. The suburban character of the development would be reinforced by the repetitive design of the proposed new dwellings, mirroring the ones previously granted. The proposal is therefore contrary to policies HC6 and HC7 of the Adopted Local Plan and Alterations, DM 7 of the Submission Version Local Plan and with the objectives of the National Planning Policy Framework.

An appeal on this application was later dismissed on the same grounds. (A copy of the decision notice is attached to the bottom of this report.)

Policies Applied

CP1 – Achieving sustainable development objectives
CP2 – Protecting the quality of the rural and built environment
CP7 – Quality of development
DBE10 – Design
DBE9 – Residential amenity
GB2A – Development in the Green Belt
GB7A – Conspicuous Development
HC6 – Character, appearance and setting of Conservation Areas
HC7 – Development within Conservation Areas
RP4A – Contaminated Land

RP5A – Adverse Environmental Impacts
DBE1 – Design of New Buildings
DBE2 – Effect on neighbouring properties
DBE4 – Design in the Green Belt
DBE9 – Loss of Amenity
ST4 – Road Safety
ST6 – Vehicle Parking
NC1 – SPAs, SACs and SSSIs
NC3 – Replacement of Lost Habitat
NC4 – Protection of established Habitat
NC5 – promotion of Nature Conservation Schemes

The National Planning Policy Framework

The revised National Planning Policy Framework (NPPF) has been adopted as national policy since February 2019. Paragraph 213 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Epping Forest District Local Plan (Submission Version) 2017:

The Epping Forest Local Plan Submission Version 2017 was submitted for independent examination in September 2018. Accordingly, it can be endorsed as a material consideration to be used in the determination of planning applications and be given appropriate weight in accordance with paragraph 48 of the NPPF.

Paragraph 48 provides that decision-takers may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In general terms it is considered that the Submission Version of the Plan is at an advanced stage of preparation and the policies are considered to be consistent with the NPPF. As regards unresolved objections, some policies within the Submission Version have more unresolved objections than others. All of these factors have been taken into consideration in arriving at the weight accorded to each of the relevant policies in the context of the proposed development listed below:

SP1 - Presumption in Favour of Sustainable Development
SP6 - Green Belt and District Open Land
H1 - Housing Mix and Accommodation Types
T1 - Sustainable Transport Choices
DM1 - Habitat Protection and Improving Biodiversity
DM2 - Epping Forest SAC and the Lee Valley SPA
DM3 - Landscape Character, Ancient Landscapes and Geodiversity
DM4 - Green Belt
DM5 - Green and Blue Infrastructure
DM7 - Heritage Assets
DM9 - High Quality Design
DM10 - Housing Design and Quality
DM11 - Waste Recycling Facilities on New Development
DM15 - Managing and Reducing Flood Risk
DM16 - Sustainable Drainage Systems
DM17 - Protecting and Enhancing Watercourses and Flood Defences
DM19 - Sustainable Water Use
DM20 - Low Carbon and Renewable Energy

DM21 - Local Environmental Impacts, Pollution and Land Contamination

DM22 - Air Quality

Number of neighbours consulted: 26

Site notice posted: Yes

Responses received:

20 Long Green, 1 email: No objection

The Lodge Benton's Farm, Bumbles Green Farm 1 email: Support Applicants building behind the telephone exchange so previous reasons for refusal no longer apply.

NAZEING PARISH COUNCIL – NO OBJECTION and that the Council supports the application and considers that it should be considered by Area Plan West Committee and not dealt with by the officers under delegated powers. The Council supports the application because:

- i. The application reduces the scale of the development from two dwellings to one dwelling, which limits it to a small-scale development.
- ii. The house is positioned at the end of the cul-de-sac, so it does not seek to extend it.
- iii. The position of the proposed dwelling means that it does not affect the views of the open countryside.
- iv. There have been no objections from immediate neighbours of the proposed development.

Main considerations

The main issues to consider when assessing this application are the potential impacts on the Green Belt, the character and appearance of the Conservation Area, integrity of the Epping Forest Special Area of Conservation, the living conditions of neighbours. highway issues, land drainage considerations and contaminated land.

Green Belt

Government Guidance states that new development within the Green Belt is inappropriate unless it falls within the list of exceptions set out in paragraphs 145 and 146 of the National Planning Policy Framework (NPPF). And provided it does not harm the openness of the Green Belt or conflict with the five purposes of including land within it than the existing development.

Local Policy GB2A is broadly in compliance with the aims and objectives of national Green Belt Policy. The NPPF states that one of the exceptions to inappropriate development within the Green Belt is the limited infilling or partial or complete redevelopment of previously developed sites, 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 purposes of including land within it than the existing development.

The first justification for the application is that it is in accordance with paragraph 145(e) 'limited infill within a village.

The case officer dealing with the previous application approved at West Area Planning Committee under reference EPF/0292/17 was satisfied that the site falls within a village.

The second limb of this exception is whether the proposal constitutes 'limited infilling'.

Once the site is considered to fall within a village, the next stage of this exception to inappropriate development is whether the proposal can be considered to constitute 'limited infilling'. (This view is supported by the overturned officer recommendation under reference EPF/0292/17).

Policy DM4 of the SVLP defines limited infilling as:

"The development of a small gap in an otherwise continuous built up frontage, or the small-scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. Limited infilling should be appropriate to the scale of the locality and not have an adverse impact on the character of the countryside or the local environment."

The proposal will extend the cul-de-sac to an area of land which is not bound by built development but is instead currently open. It would therefore not be filling in a gap but would instead further extend the suburban cul-de-sac development beyond the linear ribbon development along Middle Street. It is therefore considered to be a backland development and not an infill development and as a result will further encroach built development and associated household paraphernalia into

the open countryside. This is urban sprawl. The fundamental purpose of Green Belt policy is to prevent urban sprawl.

When assessing the impact of the proposal on openness, the NPPG on Green Belt advises that openness is capable of having both spatial and visual aspects. This means what impact the proposal will have on the visual amenity of this location in the Green Belt and its general volume. Volume relates to the proposal's presence, irrespective of whether this volume can be seen or not. The size, bulk and presence of the two storey, 4 bedroom detached dwelling will block public long views between the part single storey telephone building of the fields further north of the site from the street scene as well as harm public views looking south towards the garage and house on the site from the public right of way to the north of the site. It is for these reasons considered that the proposed development will encroach on the countryside and rural setting of this location. It is therefore considered that the proposal is not an infill development and as such is inappropriate development which is contrary to the requirements of policies GB2A and GB7A of the Adopted Local Plan, and DM 4 of the Submission Version Plan.

Conservation Area Issues

S72(1) of the Planning and Listed Building and Conservation Areas Act 1990 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

In determining planning applications, the Council is required by the NPPF to consider the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 of the NPPF requires that "When considering the impact of a proposal on the significance of the designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be given to its conservation. Significance can be harmed or lost through (inter alia) development within its setting".

Paragraph 194 of the NPPF requires where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

The proposal was reviewed by the Conservation Officer who made the following comments:-

"The site stands within the Nazeing and South Roydon Conservation Area; a wide area designated to protect the surviving historic landscape and patterns of settlement, which includes the medieval 'long green' settlements of Middle Street. Although development within this part of the conservation area was rapid in the 20th century, until then, Middle Street consisted of only a handful of properties. Development in the 20th century has predominantly been linear and is characterised by detached properties occupying large plots which front the highway.

In 2017, a planning application (EPF/0292/17) was submitted for the erection of 4 no. detached four bedroom residential dwellings on a similar and adjacent site at Bentons Farm. The application was recommended for refusal by officers, but permission was granted at the Area Plan West Committee. The Conservation Team objected to this application as we believed that the general principle of the development would harm the significance of this part of the conservation area which largely derives from open landscape and historic pattern of development. Significantly recessed from the highway it has been considered that the new dwellings would introduce an inappropriate pattern of development with a proposed building line greatly deviating from the existing. We also believed that such development would result in unnecessary and harmful encroachment of unbuilt land.

Early in 2019 an application for the erection of two more dwellings, ref. EPF/0510/19, on the adjoining site, to the east has been refused for the same reasons that were previously raised. In addition, the proposal was found to go even more against the grain of development as it would introduce a cul-de-sac, which is suburban in character, into a rural hamlet setting. In this well-established rural context, detached properties, such as proposed, should sit within a large plot. An appeal was lodged and dismissed in October 2019.

In his report the Inspector states that:

"I find the significance of this part of the CA largely derives from its open landscape and historic pattern of development which goes on to cover the majority of the CA.

While I accept that a development within the CA should not be considered unacceptable in principle, it is essential that great weight is given to assets conservation as stated at paragraph 193 of the Framework. In this instance, although development exists surrounding it, the appeal site nonetheless contributes towards the open landscape that is an important and fundamental character of the CA. The introduction of built development would suburbanise the site, thereby further eroding the open character of the CA.

Moreover, the siting of the dwellings behind existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area, resulting in additional harm to the CA."

The current application is for the erection of one detached four beds dwelling with associated garage in place of the refused two detached dwellings. Given that the context is identical, the reasons for refusal given in references to previously submitted schemes are still considered to be relevant. The proposed scheme raises the same concerns as it will cause the same level of harm to the character and appearance of the conservation area. This was well expressed in reports by the LPA officers and the Inspector.

I still believe that the general principle of the development would harm the significance of this part of the conservation area and fail to preserve or enhance it. This application is, therefore, recommended to be REFUSED as it is contrary to policies HC6 and HC7 of our Local Plan and Alterations (1998 and 2006), policy DM7 and DM9 of our Submission Version Local Plan (2017), and paragraphs 189, 190, 194, 196 and 201 of the NPPF (2019)."

Living conditions of neighbours

The new dwelling relates well to each other and will provide a good standard of accommodation. They are set well away from existing neighbours and therefore it is not considered that there will be any harm to the living conditions of neighbours. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan.

Epping Forest Special Area of Conservation

Biodiversity features within, or associated with, a Special Area of Conservation enjoy a high level of protection under UK and EU law, and national planning policy in England. The provisions of the EU Habitats Directive are given effect in UK law by the Conservation of Habitats and Species Regulations 2017, as amended ("the Habitats Regulations").

Under the Habitats Regulations, the Epping Forest SAC is classified as a 'European Site' and, as such, any plans and projects (including applications for planning permission) that are likely, either alone or in combination with other plans or projects, to have a significant effect on the SAC must be subject to an assessment, known as an Appropriate Assessment ("AA"). The purpose of an AA is to ascertain whether any development plan or proposal, either alone or in combination, will not harm the integrity of the European Site.

The Council has a legal duty as the 'competent authority' under the Habitats Regulations to protect the Epping Forest SAC from the effects of development (both individually and in combination). Two specific issues relating to new development within the District have been identified as being likely to have a significant effect on the integrity of the Epping Forest SAC. Firstly, the increased levels of visitors using the Forest for recreation arising from new development (referred to as "recreational pressure"). Secondly, damage to the health of the protected habitats and species of flora within the Forest, including trees and potentially the heathland habitats, from air pollution generated by increased motor vehicle usage (referred to as "air quality").

As regards visitor numbers, the adopted Interim Mitigation Strategy identifies that any additional residential development located within 3km of the Epping Forest SAC would be likely to have a significant effect when considered alone or in combination with other plans / projects. The application site is located more than 3km from the Epping Forest SAC.

As regards air quality, all proposals that result in additional residential development and / or employment development within the entire District would be likely to have an impact on the Epping Forest SAC when considered alone or in combination with other plans / projects.

Policy DM 22 of the LPSV provides the policy context for dealing with the effect of development on the integrity of the Epping Forest SAC outlined above.

Policy DM 22 requires:

Larger proposals, or those that have potential to produce air pollution, to undertake an air quality assessment that identifies the potential impact of the development, together with, where appropriate, contributions towards air quality monitoring. Assessments shall identify mitigation that will address any deterioration in air quality as a result of the development, having taken into account other permitted developments, and these measures shall be incorporated into the development proposals. This will include an assessment of emissions (including from traffic generation) and calculation of the cost of the development to the environment. All assessments for air quality shall be undertaken by competent persons.

This policy applies to development of all types and all locations as they all have the potential to result in increased traffic generation which would put pressure on the roads through the Epping Forest.

The Council commissioned a Habitats Regulations Assessment (January 2019) of the LPSV ("the 2019 HRA"), produced by AECOM, which has been published on the Council Local Plan Examination website. The 2019 HRA includes an Appropriate Assessment of the planned development within the LPSV and the effect of that development on the Epping Forest SAC.

The 2019 HRA concluded that, subject to securing the urbanisation/recreational pressure and air quality mitigation measures to which the Council, the adoption of the Local Plan will have no adverse effect on the Epping Forest SAC.

However, following their review of the 2019 HRA, Natural England maintained their objection to the Local Plan, citing a number of specific concerns about the HRA which were considered at the examination hearing held on 21 May 2019. With the assistance of its expert consultants and professional advisors, the Council robustly defended the LPSV and the 2019 HRA at the examination hearings.

Following completion of the examination hearings on 11 June 2019, in a letter dated 2 August 2019, the Local Plan Inspector provided the Council with advice concerning the changes to the Plan required to remedy issues of soundness in the form of Main Modifications ("MMs"). The Inspector's conclusion at this stage is that further MMs are required and that in some cases, additional work will need to be done by the Council to establish their precise form.

In her advice, the Inspector recorded that the 2019 HRA included an AA of the Plan's implications for the SAC, which concluded for both pathways of impact that, with mitigation, the Plan would not have an adverse effect on the integrity of the SAC, either alone or in combination with other plans or projects. At paragraph 13, the Inspector said:

"13. However, in their written representations and at the hearing itself, both Natural England and the Conservators of Epping Forest (the Conservators) strongly challenged the robustness of the HRA in terms of its methodology and conclusions. Given the uniqueness of the Forest, its high-risk status and the professed engagement between these key representors and the Council, the dispute at this stage seems most unfortunate. Nevertheless, I cannot conclude beyond reasonable scientific doubt (as the parties all agree that I must) that the Plan will not adversely affect the integrity of the SAC until steps have been taken towards resolving it."

The Local Plan Inspector has identified a number of actions which she considers necessary for the Council to take to remedy the areas of concern with the 2019 arising from Natural England and the Conservators objections

Air Quality

As regards air quality, there is currently no such agreed approach; however, the Council and other partner organisations continue to work together to identify an air quality mitigation strategy that is acceptable to Natural England, taking into account the Local Plan Inspector's advice. In the absence of such a strategy, all proposals that result in net additional residential development and / or employment development within the entire District must be considered to be likely to have an impact on the Epping Forest SAC when considered alone or in combination with other plans or projects.

As a consequence, and in light of the Local Plan Inspector's interim advice, the Council, as competent authority, **cannot lawfully grant planning permission** for any development proposals within the District that are likely to have an air pollution impact on the Epping Forest SAC, save where a site specific AA demonstrates that the granting permission will not have such an effect in respect of air quality.

In this circumstance, paragraph 177 and para 11(d) (i) requires that the tilted balance towards the presumption in favour of sustainable development does not apply and instead this development should be restricted.

Trees and Landscaping

The site is within the Conservation Area and therefore all trees are afforded legal protection. The tree and landscape officer is satisfied that given the position of the dwelling there will be no in principle harm to the proposal, subject to conditions.

Highway considerations

The access has good visibility onto Middle Street and has appropriate geometry for the development. Consequently, there will be no detriment to the highway's safety or efficiency at this location.

Land Drainage

The development is of a size where it is necessary to avoid generating run off and therefore a Flood Risk Assessment is required. Details of foul and surface water drainage will also be required, and these elements can be secured through the use of planning conditions.

Land Contamination

Potential land contamination risks are likely to be low, it should not be necessary for these risks to be regulated under the Planning Regime by way of standard conditions. It is the responsibility of the developer to ensure the safe development of the site (including the appropriate disposal of any asbestos within the existing building and hardstanding) and the addition of a single condition requiring the developer to stop development, contact the Local Planning Authority and carry out any necessary agreed investigation and remediation works if significant contamination is encountered should suffice.

Conclusion

No appropriate assessment has been submitted to demonstrate that the proposal will not have an adverse impact on the integrity (either alone or in combination) of the Epping Forest Special Area of Conservation.

The changes made to this proposal compared with the previously refused scheme under reference EPF/0510/19 are insufficient to overcome the in-principle objections. It still constitutes inappropriate development in the Green Belt, as it cannot be considered as limited infilling for the reasons listed above, and there are no very special circumstances sufficient to outweigh this and any other harm from the development. In addition, due to the uncharacteristic positioning of the dwelling and elements of its detailed design it will also cause undue harm to the character and

appearance of the Conservation Area and therefore it is recommended that planning permission be refused.

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: Sukhi Dhadwar
Direct Line Telephone Number: 01992 564597***

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



Appeal Decision

Site visit made on 24 September 2019

by **Graham Wyatt BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/J1535/W/19/3232917

Land at Bentons Farm, Middle Street, Bumbles Green, Nazeing EN9 2LN

- 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 R & V Bray against the decision of Epping Forest District Council.
 - The application Ref EPF/0510/19, dated 20 February 2019, was refused by notice dated 2 May 2019
 - The development proposed is described as "The development is proposed as an extension of a recently constructed plot of four residential dwellings on an adjoining site. The limited infill will comprise of 2 four bedroom residential dwellings, utilising the existing access and retaining the character and form of the existing dwellings".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council refer to policies within the Epping Forest Local Plan Submission Version 2017 (the LPSV) which was submitted for examination in September 2018 but has yet to be formally adopted. Thus, while it forms a material consideration, I afford it limited weight in this appeal.

Main Issues

3. The main issues are:
 - whether the proposal is inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - the effect of the proposal on the openness of the Green Belt;
 - whether the development would conserve or enhance the character or appearance of the Nazeing and South Roydon Conservation Area; and
 - if the proposal is inappropriate development, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

4. The appeal site is a roughly square parcel of land that is currently laid to grass and lies within the Metropolitan Green Belt. The Framework states that inappropriate

development is harmful to the Green Belt and should not be approved except in very special circumstances.

5. Policy GB2A of the Epping Forest District Council Local Plan 1998 (the Local Plan) deals with exceptions where new buildings would not be inappropriate development within the Green Belt. Policy GB7A also seeks to restrict conspicuous development in the Green Belt that should not have an excessive adverse impact on the openness, rural character or visual amenities of the Green Belt.
6. However, in considering the construction of new buildings that are inappropriate development within the Green Belt, exceptions to this are at paragraph 145) of the Framework and includes limited infilling at paragraph 145 e) which is not reflected in Policy GB2A or GB7A of the Local Plan. Thus, these policies are not entirely consistent with the Framework and having regard to paragraph 213 of the Framework, in this particular instance, I afford them limited weight. Policy DM4 of the LPSV aligns more closely with the Framework, but as noted above, I only afford this limited weight. I have therefore considered this issue in relation to Section 13 of the Framework.
7. The appellant leans towards paragraph 145 e) of the Framework which states that limited infilling in villages need not be inappropriate development within the Green Belt. The Framework does not define what is considered to represent 'limited' or 'infilling' in villages' and the Council's policies within the Local Plan are of no assistance either. The Council agree that the site is within a 'village' and satisfies this particular element of paragraph 145 e). Given the location of the site in respect to surrounding development, I have no reason to disagree with that assessment.
8. In considering whether the development could be considered limited infilling or not, I find it a reasonable approach to rely on the definition that it would constitute a small-scale development that fills a gap in an otherwise built-up frontage. This would concur with the definition that the appellant has provided from paragraph 4.34 of the LPSV, which states that infilling is defined as the development of a small gap in an otherwise continuous frontage and includes infilling of small gaps within built development.
9. Firstly, one has to consider whether the development can be considered to be limited. It is clear that the site is not a small gap in that it is capable of accommodating two, four bedroom detached dwellings, separated by some 5m, and a detached double garage building. Additionally, neither can the development of two, four bedroom dwellings be regarded as small-scale. Consequently, the development cannot be considered to be 'limited'. Secondly, notwithstanding that the site to the west contains four recently erected dwellings and to the east the site has planning permission to extend and erect a workshop, the appeal site is not part of a continuous frontage development being set behind Nazeing Telephone Exchange and the commercial workshop building, in contrast to the recent development of four dwellings at Oak Tree Close which are not set behind frontage buildings. Accordingly, the proposal does not constitute limited infilling and thus is inappropriate development within the Green Belt, contrary to Section 13 of the Framework.

Openness

10. Paragraph 133 of the Framework tells us that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that openness is an essential characteristic of the Green Belt. The appeal site is currently undeveloped and the erection of two large dwellings and double garage

on the land, where no development currently exists, would inevitably mean that there would be a reduction to openness. This harm would be clearly visible through the gap between Nazeing Telephone Exchange and the commercial workshop and from the recent development on Oak Tree Close.

11. Thus, the development would erode the openness of the Green Belt and would be contrary to one of its purposes which is to safeguard the countryside from encroachment.

Nazeing and South Roydon Conservation Area (CA)

12. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Therefore, in undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.
13. I find the CA to display an open and loose knit character that is reinforced by the open layout of development along Middle Street and is complemented and softened by the presence of mature landscaping. Although development towards the centre of the village is more closely knit, it nonetheless displays a degree of openness as a result of spacing about and between dwellings that is reinforced by the open character of the surrounding countryside. I find the significance of this part of the CA largely derives from its open landscape and historic pattern of development which goes on to cover the majority of the CA.
14. While I accept that a development within the CA should not be considered unacceptable in principle, it is essential that great weight is given to an assets conservation as stated at paragraph 193 of the Framework. In this instance, although development exists surrounding it, the appeal site nonetheless contributes towards the open landscape that is an important and fundamental character of the CA. The introduction of built development would suburbanise the site, thereby further eroding the open character of the CA. Moreover, the siting of the dwellings behind existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area, resulting in additional harm to the CA.
15. While I accept that a cul-de-sac development in itself would not be harmful, the suburbanisation of the site would neither preserve or enhance the CA and the significance that is derived from the open landscape. This harm would be clearly visible from surrounding properties, including those that have recently been constructed along Oak Tree Close. Additionally, from the submitted plans although unit five would be sited effectively behind the telephone exchange, the gap between it and the commercial building allows oblique views of the countryside beyond. Therefore, I am not persuaded that the development would not also affect long views of the fields beyond the appeal site, further harming the character of the CA.
16. Given the size of the CA and as the proposed development would only result in harm to part of the significance of the heritage asset, I find it to be less than substantial. Accordingly, the Framework requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
17. In this case the development would make a contribution to housing provision. However, this would not amount to more than moderate weight as a public benefit.

Nevertheless, given the harm I have identified to the setting of the CA as a designated heritage asset, the benefits do not outweigh the great weight that the Framework requires at paragraph 193 to be given to the conservation of heritage assets. Thus, the proposal would be in conflict with policies HC6 and HC7 of the Local Plan and the Framework which seek, amongst other things, to ensure that developments are sympathetic to the character and appearance of a Conservation Area.

Other Matters

18. I acknowledge that the design of the dwellings is acceptable, following the Essex Design Guide and that suitable materials could be employed. I also note that the Parish Council supported the development and that neighbouring occupiers did not object or make a representation regarding the development. I accept that as a windfall site the development would boost the supply of housing within the District which would support local services and facilities. While these matters are material considerations that weigh in favour of the proposal, I do not consider that either individually or cumulatively they outweigh the harm identified above.
19. The appellant also refers to an appeal decision¹ which allowed a development on Middle Street. Although planning policy has moved on considerably since this decision was made, notwithstanding that the inspector did not find the landscape to be outstanding, it was nonetheless recognised as being pleasantly rural. Moreover, while the inspector did not comment specifically about the effect of the proposal on the CA, the development sought was a double garage and not for two detached dwellings within the Green Belt. Thus, I do not find that this particular decision represents an irresistible precedent to find in favour of a proposal that would cause harm or lead me to alter my findings on the main issues. In any case, I have considered the appeal on its own merits, which is a fundamental principle that underpins the planning system.

Other Considerations

20. Paragraph 144 of the Framework requires decision makers to ensure that substantial weight is given to any harm to the Green Belt. 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.
21. The appellant puts forward a range of benefits that are considered to amount to very special circumstances to justify the development. However, all of the benefits would not only flow from dwellings in this location, they would apply equally to new dwellings within those areas that are identified as appropriate for development or outside of the Green Belt and thus, are not related to this specific site or proposal. Consequently, I only afford the benefits limited weight and they are not considered to be the very special circumstances required to outweigh the substantial weight given to any harm to the Green Belt.
22. Furthermore, having regard to footnote 6 of the Framework, as the development would result in harm to a designated heritage asset and is located within the Green Belt, and I have found that the policies within the Framework provide a clear reason to dismiss the appeal, even if the Council is unable to demonstrate a five year supply of deliverable housing sites and the policies which are the most important for determining the appeal are out-of-date, the 'tilted balance' would not

¹ T/APP/5215/A/80/04145/08 dated 21 August 1980

be engaged and the presumption in favour of sustainable development anticipated in paragraph 11 of the Framework does not apply.

Green Belt Balance

23. In accordance with the Framework, I attach substantial weight to the harm to the Green Belt by reason of inappropriateness and the loss of openness of the Green Belt resulting from the development. Against this, I attach little weight to the appellant's assertion that the benefits of the proposal amount to the very special circumstances required to justify the development.

Conclusion

24. I therefore conclude that the harm by reason of inappropriateness, and any other harm, is not clearly outweighed by other considerations, such that the very special circumstances necessary to justify the development do not exist. I have also found that the development would fail to preserve or enhance the CA. Thus, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR

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