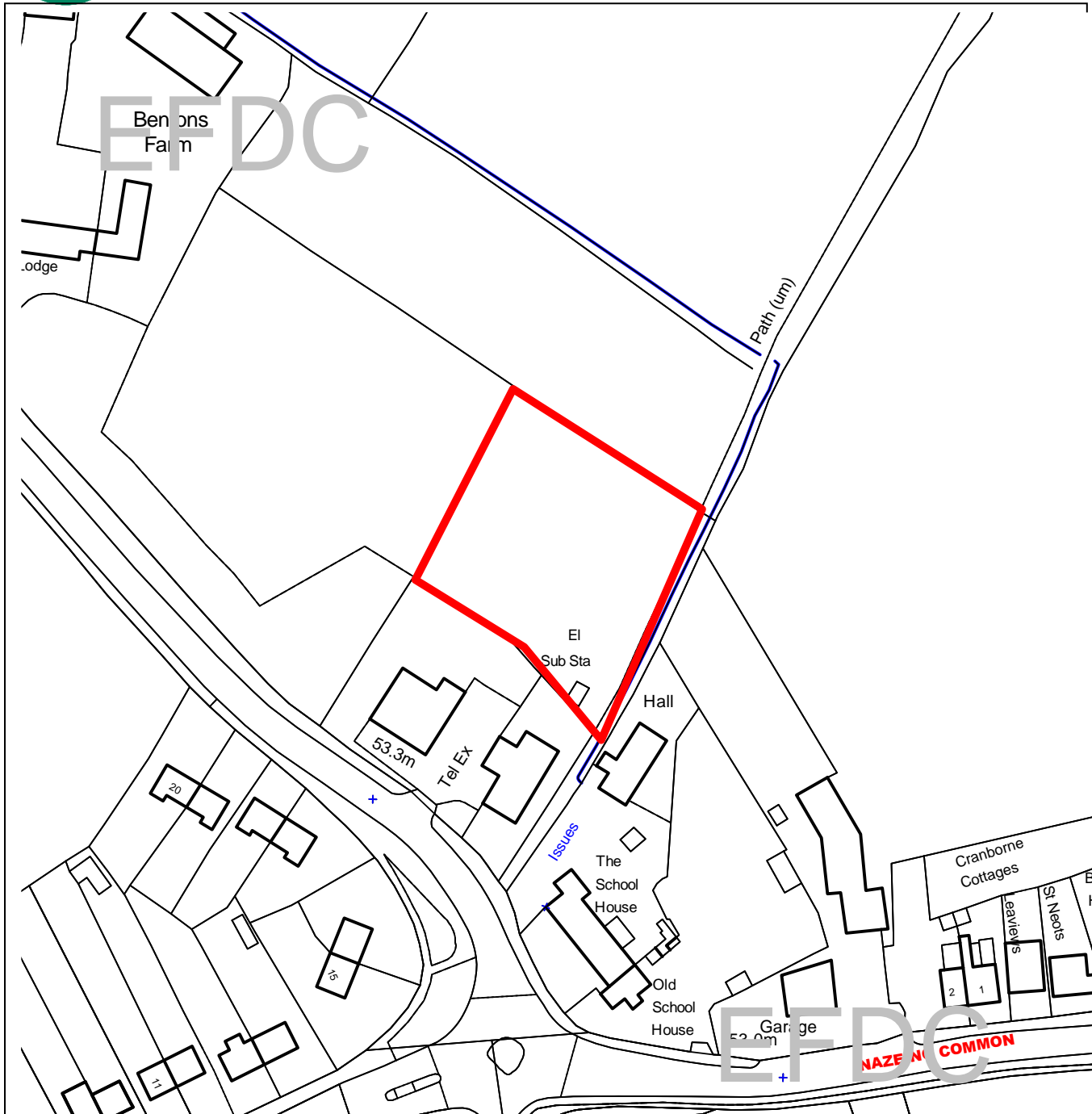




Epping Forest District Council



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Application Number:	EPF/2893/21
Site Name:	Land at Bentons Farm Off Middle Street, Bumbles Green Nazeing, EN9 2LN
Scale of Plot:	1:1250

Report Item No: 11

APPLICATION No:	EPF/2893/21
SITE ADDRESS:	Land at Bentons Farm Off Middle Street Bumbles Green Nazeing EN9 2LN
PARISH:	Nazeing
WARD:	Broadley Common, Epping Upland and Nazeing
APPLICANT:	Mrs & Mrs Bray
DESCRIPTION OF PROPOSAL:	Erection of 2no. single storey two bedroom detached residential dwellings together with single garages. Existing access will be utilized 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=659474

REASON FOR REFUSAL

- 1 The site is located within land designated as Metropolitan Green Belt where there is presumption against inappropriate development. Due to the area and location of the site, the proposal is not considered to constitute the limited infilling of a village. No very special circumstances or other considerations have been advanced that would outweigh the harm caused by the inappropriateness and the other harm identified, and the development would therefore conflict with Chapter 13 of the National Planning Policy Framework and Policy GB2A of the Combined Policies of Epping Forest District Local Plan and alterations 2008 and DM 4 of the Submission Version Local Plan.
- 2 The site falls within land designated as being within the Nazeing and South Roydon Conservation Area. The significance of this Conservation Area is derived from its historic open natural landscape. A right of way adjoins the eastern boundary of the site. The siting of the proposed dwellings behind the existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area. The orientation of the proposed dwelling perpendicular to the buildings in Middle Street would further emphasise the incongruous nature of the proposal. This suburbanisation of the site would erode the open verdant character of this locality and as such would fail to preserve or enhance the character and appearance of the Conservation Area and as such is contrary to the requirements of S72(1) of the Planning and Listed Building and Conservation Areas Act 1990, Chapter 16 of the NPPF and policies, HC6, HC7 of the Local Plan and DM7 of the Submission Version Local Plan.
- 3 The proposal fails to demonstrate that it will provide adequate privacy and outlook for future residents of the proposed new self-contained dwellings and as such the proposal provides a substandard form of accommodation and as such is contrary to

the requirements of policy DBE1, DBE2, DBE 5 and DBE9 along with DM9 of the Submission Version Plan and the National Planning Policy Framework.

- 4 In the absence of a completed s106 planning obligation the proposed development fails to mitigate against the adverse impact that it will have on the Epping Forest Special Area of Conservation in terms of recreational pressure and air pollution. Failure to secure such mitigation is contrary to Policy CP1 and CP6 of the Epping Forest Local Plan, Policies DM2 and DM22 of the Epping Forest District Local Plan Submission Version 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 construction of 2no. single storey two bedroom detached residential dwellings together with single garages. Access will be from the existing access at Oak Tree Close.

The bungalows have been designed so that their frontages face each other.

The dwelling within Plot A measures 7.64m deep by 14.61m wide and 5.73m to the ridge of its gable roof. The detached garage measures 7.64m deep by 5.4m wide and 4.7m high to its gable roof. It has an internal area of 130 sqm; provides 2 a total of parking spaces and 484 sqm of amenity space.

The dwelling within Plot B measures 7.64m deep by 19.34m and 5.97 to the ridge of its gable roof. It has an internal area of 124 which includes the attached garage; provides a total of 2 parking spaces and 456 sqm of amenity space.

External finishes for both dwellings include horizontal timber cladding in natural charred finish and Essex red brick in a Flemish bond for the walls; slate roof with integrated photovoltaic and solar thermal panel tiles for the dwellings and clay pantiles for the garage; and slim profile black aluminium and timber composite windows.

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.

Members of the District Development Committee refused planning permission under reference EPF/0897/20 for the development of 1no. two storey four bedroom detached residential dwelling house together with double garage 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 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 extend 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 dwelling, 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.

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 NPPF is a material consideration in determining planning applications. As with its predecessor, the presumption in favour of sustainable development remains at the heart of the NPPF. Paragraph 11 of the NPPF provides that for determining planning applications this means either;

- (a) approving development proposals that accord with an up-to-date development plan without delay; or
- (b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making, but policies within the development plan need to be considered and applied in terms of their degree of consistency with the Framework.

EPHING FOREST DISTRICT LOCAL PLAN SUBMISSION VERSION (2017) (LPSV)

Although the LPSV does not currently form part of the statutory development plan for the district, on 14 December 2017 the Council resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

Paragraph 48 of the NPPF 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).

The LPSV has been submitted for Independent Examination and hearing sessions were held on various dates from February 2019 to June 2019. On the 2nd August, the appointed inspector provided her interim advice to the Council covering the substantive matters raised at the hearing and the necessary actions required of the Council to enable her to address issues of soundness with the plan without prejudice to her final conclusions.

Consultation has been carried out on the Main Modifications required by the Local Plans Inspector. It is therefore at an advanced stage of preparation.

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

14 Neighbours were consulted, and 1 response was received:

BUMBLES GREEN FARM MIDDLE STREET SUPPORT:

Proposal has overcome previous reason for refusal as no longer detrimental to Green Belt or Conservation Area.

NAZEING PARISH COUNCIL – The Council SUPPORTS the application because the development provides a ‘lifetime’ dwelling, that would be suitable for a wheelchair user, with good road access, which will fulfil a need in the Parish for this kind of accommodation.

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 149 and 150 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 149(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. The orientation of the bungalows remain perpendicular to the frontage development in Middle Street. It would also create an additional row of development behind the existing single line of development fronting Middle Street.

It would 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 back-land 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.

Whilst plans have been revised to show that the 2 single storey dwellings which will no longer block public long views between the part single storey telephone building of the fields further north of the site from the street scene, the public views looking south towards the garage and house on the site from the public right of way to the north of the site will still be harmed. In any case future domestic paraphernalia installed by any occupier in the areas which provide the open views from the street scene would be difficult to prevent. 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: -

"Context

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. Relevant planning history.

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 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.”

In 2020, an application ref, EPF/0897/20 was submitted for the erection of one detached four bed dwelling with associated garage in place of the refused two detached dwellings. The Conservation Team raised objections to the scheme which was refused. An appeal was lodged and dismissed in February 2021.

In his report the Inspector states that:

“17. The previous Inspector stated that the significance of this part of the Conservation Area (the CA) largely derives from its open landscape and historic pattern of development. I agree. It has an open and spacious character due to the loose knit nature of development and the greenery provided by mature landscaping. The prevailing form of development consists of ribbon development fronting the road, and the spaces between the buildings provides views of the surrounding countryside, which contributes to the open character of the area. The undeveloped nature of the appeal site to the rear of the existing built frontage contributes to the open character of the CA.

18. The siting of the proposed dwelling behind the existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area. The orientation of the proposed dwelling perpendicular to the buildings in Middle Street would further emphasise the incongruous nature of the proposal. Whilst the scale of the proposal would be reduced in comparison to the previous appeal scheme, it would nonetheless suburbanise the site, which would erode the open character of the CA.

19. Having regard to the modest amount of proposed development, I find that the degree of harm to the significance of the CA would be less than substantial. In accordance with paragraph 196 of the Framework, any harm should be weighed against the public benefits.”

The proposal

The current scheme seeks consent for the erection of 2no. single storey two bedroom detached residential dwellings together with single garages.

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 and it is considered that it will cause the same level of harm to the character and appearance of the conservation area. The harm caused was well expressed in reports by the LPA officers and the Inspectors.

Recommendations

It is still considered that the general principle of the development would harm the significance of this part of the conservation area and fail to preserve its special character. We, therefore, OBJECT to this scheme 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, 194, 195, 197, 199 and 206 of the NPPF (2021).”

Design

There is mutual overlooking between the two dwellings as their window to window distance is only 11.4m. This is not reflective of the spatial standards of the surrounding area or standards contained within the Essex Design Guide. Approval of this application will set precedent for this type of cramped development to be permitted on other sites.

Whilst it is noted that the open plan living/dining/kitchen area will be triple aspect allowing for the principle elevation windows of these areas to be obscure glazed, this solution would not be possible for the bedrooms facing each other. The secondary windows for the bedrooms 1 and 2 of plot A will be screened by trees. The western bedroom in plot B only has single aspect windows.

In addition the western bedroom window within plot A will face a garage wall.

The proposal therefore falls short the quality of design required by the National Design Guide, chapter 12 of the NPPF, policies CP2 and DBE 1 of the Local Plan and SP3 and DM9 of the Submission Version Plan.

Both units provide acceptable levels of daylight, internal area and amenity space.

The proposal includes low carbon or renewable technology energy efficient features such as air source heat pumps, photovoltaic and solar hot water panels on the roof, Mechanical supply and extract ventilation system along with charging points for both electric cars and bikes. This is a positive feature of the scheme.

Living conditions of neighbouring residential occupiers

The nearest window affected by the proposal within 4 Oak Tree Close serves a utility room. The garage would extend around 7m beyond this window. However given tht it is not a habitable room. The impact to this room is not considered excessive. The garage extends 3m beyond the front elevation of the study room. However it also separated from this room by a similar distance, therefore impact will not be significant. All other residential dwellings are sufficiently distant to ensure that they are not materially affected. The proposal therefore complies with the requirements of policy DBE 9 of the Local Plan

Epping Forest Special Area of Conservation

In the absence of a completed Section 106 planning obligation, the development has failed to mitigate against the adverse impact it has and will have on the Epping Forest Special Area for Conservation in terms of air pollution. Failure to have secured such mitigation 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.

Trees and Landscaping

The Tree and Landscape Officer supports the in-principle objection to a housing development on this site, made by the Conservation Team and the Planning Inspector in his dismissal of the two previous appeals on the site for housing development. She advises that: -

This site is within the Roydon and South Nazeing Conservation Area. This includes significant expanses of open countryside, which is characteristic of this part of our District.

The submitted information does demonstrate that existing boundary trees could be protected and retained, and that the site could be suitably landscaped. However, this parcel of land is currently part of a field, and we object in general terms to the development of the site and the loss of open landscape from the Conservation Area.

*There have previously been two applications to develop this parcel of land –
EPF/0510/19 – two dwellings
EPF/0897/20 – single dwelling*

Both have been refused and then dismissed at appeal.

The Appeal Inspectors' comments for EPF/0510/19 included –

- 'the significance of this part of the Conservation Area largely derives from its open landscape and historic pattern of development which goes on to cover the majority of the Conservation Area.'*
- '.... contributes to the open landscape that is an important and fundamental character of the Conservation Area'*
- 'the Introduction of built development would suburbanise the site thereby further eroding the character of the Conservation Area.'*

The Appeal Inspectors' comments on EPF/0897/20 included –

- The previous Inspector stated that the significance of this part of the Conservation Area largely derives from its open landscape and historic pattern of development. I agree. It has an open and spacious character due to the loose knit nature of development and the greenery provided by mature landscaping.*
- The undeveloped nature of the appeal site to the rear of the existing built frontage contributes to the open character of the Conservation Area.*
- To develop as proposed '.... would erode the open character of the Conservation Area'.*

Given that applications to develop on this site have been refused and appealed twice on the principal of erosion of the open character of the Conservation Area, we cannot see how this current proposal could overcome this previous reason for refusal. We therefore object to the proposal'

It is for this reason that the proposal is contrary to the requirements of DM5 and DM7 of the Submission Version Local Plan.

Ecology

A Phase 1 Ecological Report which includes a Biodiversity Impact Assessment and DEFRA Metric Calculation by T4 Ecology Ltd was submitted with the application, it found no protected species, or their habitats would be harmed as a result of the proposal.

Subject to the proposal installing the recommended in section 5.2 of this assessment and the landscape plan, a biodiversity net gain of 16.78% could be achieved. On this basis, the proposal would accord with the requirements of NC3 and NC4 of the adopted Local plan and DM1 of the SVLP.

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 applicant has provided a SuDS Drainage Plan with the application and although the Land Drainage Team agree with its findings in principal, in order to approve a condition relating to

surface water drainage further details are required. As the footprint of the dwellings have increased from previous submissions, it must be demonstrated that the existing attenuation can accommodate the additional area. Conditions are therefore recommended which require details of this and how sewerage will be disposed of.

Land Contamination

Due to the sensitive nature of the proposed residential use, standard conditions are recommended to ensure that there no adverse impacts from potential contamination on the site.

Planning Balance

Paragraph 147 of the NPPF states that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Paragraph 148 of the NPPF requires that “when considering any planning application, local planning authorities should 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.”

There are benefits arising from the provision of wheelchair accessible housing, this is positive and therefore given moderate weight given to this benefit.

The Energy and Sustainability Statement by Elmstead Energy Assessments and Building Services dated 9/9/21 indicates that the proposal will provide homes which have rated as ‘A’ in terms of Energy Efficiency using SAP 2012 methodology. This benefit is given moderate weight.

The proposal will provide two dwellings. The National Planning Policy Guidance on Housing and economic land availability assessment which unequivocally states that a lack of a 5-year housing supply is not in its self-sufficient in itself to justify development within the Green Belt. It reads “Unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt. This benefit is therefore given limited weight.

These benefits are weighed against the adverse impacts of the development, which are as follows:

The proposal is inappropriate development in the Green Belt and substantial weight is given to this harm.

The character of Nazeing and South Roydon Conservation Area is derived from its open landscape. The proposal through the creation of development behind the existing frontage development will erode this character and increase likelihood of further back land development.

The proposal therefore fails to preserve or enhance the character or appearance of the Conservation Area. This is contrary to legislation and policy protecting heritage assets. This harm is therefore given substantial weight.

The proposal will create two units which are poorly positioned relation to each other and as a result will create issues of overlooking for future occupiers and will create a cramped form of development which fails to reflect the existing spatial standards of the area. This harm is given moderate weight.

In conclusion, this new scheme in comparison to previous schemes listed above which have been dismissed at appeal fails to provide sufficient benefits which would clearly outweigh the harm to the Green and all other harms from the development. 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 9 February 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/J1535/W/20/3262667

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 Messrs R & V Bray against the decision of Epping Forest District Council.
 - The application Ref EPF/0897/20, dated 30 April 2020, was refused by notice dated 13 June 2006.
 - The development proposed is development of 1no. two storey four bedroom detached residential dwelling house together with double garage. Utilising existing access from Oak Tree Close.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The date of 13 June 2006 shown on the Council's decision notice is an administrative error, and the Council has clarified that its decision was issued on 5 October 2020.
3. The Council refers to emerging policies of the Epping Forest Local Plan Submission Version 2017 (the LPSV), which was submitted to the Secretary of State for examination in September 2018. The plan has not been formally adopted and could be subject to further modification. Therefore, while the LPSV is a material consideration, I afford it limited weight.
4. On 19 January 2021, the Government published the latest Housing Delivery Test (HDT) and both main parties have been given the opportunity to provide comments.
5. The present appeal scheme follows a previous appeal at the site for 2no four-bedroom dwellings, which was dismissed on 14 October 2019¹. Whilst I have had regard to the previous appeal decision, I have determined the current proposal on its own merits.

Main Issues

6. The main issues are:

¹ Appeal reference: APP/J1535/W/19/3232917

- whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- whether the proposal would conserve or enhance the character and appearance of the Nazeing and South Roydon Conservation Area; and
- would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriate development

7. The appeal site is a roughly square, grassed parcel of land within the Green Belt. The Framework in paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It outlines that the construction of new buildings, other than in connection with a small number of exceptions set out in paragraph 145, should be regarded as inappropriate development.
8. Saved Policy GB2A of the Epping Forest District Council Local Plan 1998 Alterations Adopted 2006 (the Local Plan) sets out exceptions where new buildings would not be inappropriate development in the Green Belt. Furthermore, Policy GB7A of the Local Plan seeks to prevent conspicuous development in the Green Belt which would have an excessive adverse impact upon the openness, rural character or visual amenities of the Green Belt. However, Local Plan Policies GB2A and GB7A do not fully reflect the exceptions set out in paragraph 145 of the Framework and so they are not entirely consistent with the Framework. I have therefore proceeded on the basis of the approach set out in the Framework.
9. The appellant draws attention to the exception in paragraph 145 e) of the Framework, which sets out that limited infilling in villages is not inappropriate development. The Framework does not provide a definition of the terms 'limited infilling' or 'village' and therefore this is a matter for the decision maker.
10. There is no dispute between the parties that the appeal site is within a village. Given that the appeal site is near to surrounding development in the village, I see no reason to take a different view. The question, therefore, is whether the proposal constitutes limited infilling.
11. Paragraph 4.34 of the LPSV defines 'limited infilling' as the development of a small gap in an otherwise continuous built-up frontage, and also includes infilling of small gaps within built development. I consider that this is a reasonable definition and I have assessed the proposal on this basis.
12. The appeal site comprises an area of undeveloped land of approximately 0.19 hectares to the rear of Nazeing Telephone Exchange. A recent development of 4no detached dwellings is located to the west and the proposal would be accessed from here. Due to its open undeveloped nature; generous size; and location behind the built frontage comprising Nazeing Telephone exchange,

the character of the appeal site closely relates to the open countryside to the north, rather than being viewed as a small gap within built development. Therefore, I do not regard the proposal as the infilling of a small gap within built development. Furthermore, having regard to the location of the proposed dwelling behind the built frontage; the orientation of the proposal perpendicular to the frontage development in Middle Street; and the large separation to the development to the east, the proposal would not constitute the development of a small gap in an otherwise continuous built-up frontage.

13. Therefore, I find that the proposal would not meet the exceptions in paragraph 145 of the Framework and it therefore constitutes inappropriate development in the Green Belt, which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances.

Openness

14. Paragraph 133 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belts are their openness and their permanence. Openness is the absence of development and it has both spatial and visual aspects.
15. The proposed 2 storey dwelling, double garage and associated hard surfacing would be located on land that is currently open and free of development. Accordingly, the proposal would cause a spatial loss of Green Belt openness. Furthermore, the proposed dwelling would be visible from Middle Street and Oak Tree Close, particularly during months when vegetation is not in leaf. It would also be visible from the nearby public right of way to the east of the appeal site. Consequently, the proposal would result in a visual loss of openness. Therefore, the proposal would, by virtue of its permanence and size, harm the openness of the Green Belt and it would be contrary to one of its purposes which is to safeguard the countryside from encroachment.

Nazeing and South Roydon Conservation Area

16. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
17. The previous Inspector stated that the significance of this part of the Conservation Area (the CA) largely derives from its open landscape and historic pattern of development. I agree. It has an open and spacious character due to the loose knit nature of development and the greenery provided by mature landscaping. The prevailing form of development consists of ribbon development fronting the road, and the spaces between the buildings provides views of the surrounding countryside, which contributes to the open character of the area. The undeveloped nature of the appeal site to the rear of the existing built frontage contributes to the open character of the CA.
18. The siting of the proposed dwelling behind the existing frontage development would result in a discordant form of development that would be out of keeping with the prevailing character of the area. The orientation of the proposed dwelling perpendicular to the buildings in Middle Street would further emphasise the incongruous nature of the proposal. Whilst the scale of the

proposal would be reduced in comparison to the previous appeal scheme, it would nonetheless suburbanise the site, which would erode the open character of the CA.

19. Having regard to the modest amount of proposed development, I find that the degree of harm to the significance of the CA would be less than substantial. In accordance with paragraph 196 of the Framework, any harm should be weighed against the public benefits.
20. The proposal would deliver some public benefits in terms of adding to the overall provision of housing in the area and contributing to the local economy. However, the small scale of the proposal limits the weight that I give to these factors, which I consider in greater detail later in this decision. There would also be some opportunities for ecological enhancement through additional landscaping, which would provide a limited benefit.
21. In accordance with paragraph 193 of the Framework, great weight should be attributed to the designated heritage asset's conservation irrespective of whether the harm identified amounts to less than substantial harm. I find that the public benefits would not outweigh the harm to the designated heritage asset. The proposal would therefore be contrary to the historic environment policies contained within the Framework.
22. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the CA. The proposal would therefore conflict with Policies HC6 and HC7 of the Local Plan and the Framework, which, amongst other things, seek to ensure that developments are sympathetic to the character and appearance of conservation areas.

Other considerations and Green Belt Balance

23. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Framework is clear that substantial weight should be given to any identified harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
24. The HDT results published 19 January 2021 show that the Council has a measurement of just 49% of homes delivered against its requirement over the previous 3 years. Paragraph 59 of the Framework sets out an objective to significantly boost the supply of homes. The proposed development would provide a benefit in contributing towards addressing the substantial shortfall in the supply of new housing. Furthermore, the proposal would create some employment at construction stage, and the occupiers of the proposed dwelling would provide economic support to local facilities and services. These benefits weigh in favour of the proposal, however this would be limited by the small amount of development.
25. Compliance with resource efficiency standards such as energy and water would help off-set the environmental impacts of the development, however there is no substantive evidence before me that this would go above and beyond policy requirements and so this weighs neutrally. Furthermore, whilst the design of the proposed dwelling is acceptable, it is not innovative or outstanding and so this carries neutral weight. There would be some

opportunities for ecological enhancement through additional landscaping, which would provide a limited benefit.

26. I have had regard to the appellant's reference to a development of 4no dwellings on land at Nazeing Common. However, there are limited details before me of the circumstances that led to approval being granted, and I have nevertheless determined the appeal scheme on its own merits.
27. I have found that the proposed development would be inappropriate development in the Green Belt and it would cause a loss of Green Belt openness. I therefore attach substantial weight to the harm to the Green Belt, in accordance with paragraph 144 of the Framework. In addition, I have found that the proposal would fail to preserve or enhance the character and appearance of the CA.
28. Overall, the other considerations identified in support of the scheme, even when taken together, would not clearly outweigh the totality of the harm to the Green Belt and other harm. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would therefore be contrary to the Framework and Policies GB2A and GB7A of the Local Plan, which seek to protect the Green Belt.
29. Whilst the HDT results indicate that the delivery of housing was substantially below the housing requirement over the previous three years, the application of policies in the Framework that protect the Green Belt provide a clear reason for refusing the development proposed. Paragraph 11(d) of the Framework is not therefore engaged.

Other Matters

30. The Council has raised concerns that sufficient information has not been provided to show that the proposed development would not adversely affect the integrity of the Epping Forest Special Area of Conservation ('EFSAC') and there are no alternative solutions or imperative reasons of overriding public interest why development should be permitted. EFSAC is a designated Habitat site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Regulation 63(1) of the Habitat Regulations indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.
31. I have had regard to the representations in support of the proposal from Nazeing Parish Council and local residents. Furthermore, I note that the Council's Area Planning Sub-Committee West supported a motion to grant planning permission subject to conditions. However, this would not alter my decision.

Conclusion

32. For the reasons given above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR