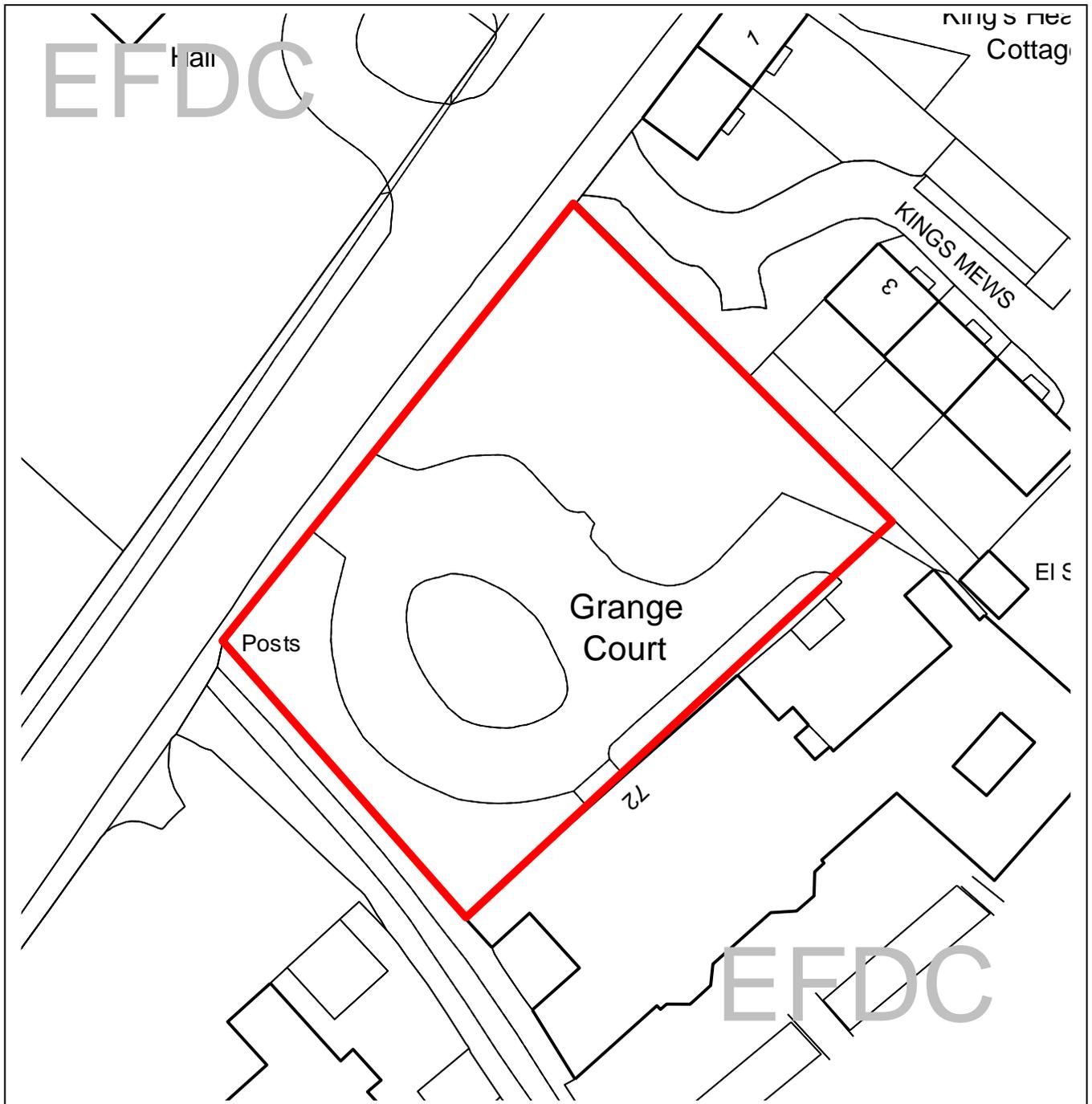




Epping Forest District Council



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Application Number:	EPF/2502/19
Site Name:	Grange Court 72 High Road Chigwell IG7 6PT
Scale of Plot:	1:500

APPLICATION No:	EPF/2502/19
SITE ADDRESS:	Grange Court 72 High Road Chigwell IG7 6PT
PARISH:	Chigwell
WARD:	Chigwell Village
APPLICANT:	Mr Stephen Ashton
DESCRIPTION OF PROPOSAL:	Variation of condition 2 `Plan numbers' of EPF/3264/17 (Conversion, extension and partial demolition of existing building to provide 14 flats with associated parking and landscaping. Change of use from residential school building (Use Class C2) to residential (Use Class C3) - - alterations to layout within listed building, and to layout and elevations in the extensions.
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=629482

REASON FOR REFUSAL

- 1 The proposed alterations to the Grade II* Listed Building would result in significant and substantial harm to the form and character, historic layout and fabric, and legibility of the listed building, introducing modern built elements not characteristic to a building of the age and style, substantially altering the internal and external built form, and removing and subdividing parts of the building which are of significant importance to the fabric, appearance and legibility of its form. Such works would thereby be contrary to policies HC10, HC12, DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM7, DM8, DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF, particularly paragraphs 184, 193 and 196.
- 2 The alterations to the extension in terms of the treatment of the glazed link to the Listed Building and the north east elevation in particular, together with other alterations, result in a lessening of the visual and spatial separation from the listed building, and in an increase in the appearance of mass and bulk resulting in an inappropriate dominance of the listed building, detrimental to the character of the site, to general amenity and to the wider Conservation Area, contrary to policies HC6, HC7, HC10, HC12, DBE1, DBE2 and DBE9 of the adopted Local Plan and Alterations, policies DM7, DM9 and DM10 of the Local Plan Submission Version (2017), and the NPPF.

EPF2502/19

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

Description of Site:

The application site comprises a detached Grade II* listed building on the south-east side of High Road. The main element of the building comprises a 3-storey mansion house, with single storey side wings on both flanks. Investigative works to the building, following approvals in March 2018, commenced in 2019 and included stripping out, the demolition of a dilapidated rear addition and removal of parts of the roof. The property dates from the late 18th Century being originally built as a single dwelling house. Parts of the building are known to have been remodelled by Sir Edwin Lutyens. The building was last used by Chigwell School and has been empty since late 2016, during which time the condition of the building has deteriorated.

The main building is set some 33m back from the road edge with an informal parking area to the front. There is a 30m deep rear garden which slopes down to the south east. The application site is surrounded on three sides by residential properties, which would have originally formed part of the wider plot of Grange Court, buildings to the north east believed to have been stables and land to the rear a larger garden. The building lies opposite St Mary's Church Hall. A public footpath runs along the south-western site boundary between High Road and Meadow Way.

The site and much of the surrounding area is within the Chigwell Conservation Area.

Description of Proposal:

The applications (section 73 applications varying the approved planning permission and listed building consent drawings) seek amendments to a previously approved scheme for extensions to and conversion of the existing building to provide 14 flats, 8 in the converted building and 6 in the extension. The proposals include alterations to both the listed building and the extension. Main changes within the listed building comprise:

- Installation of a lift into the centre of the listed building, including associated works of a lift shaft through all floors and overrun at roof level
- Alterations to the entrance to the building. This would now be located on the front of the building through the existing portico with the formation of a new entrance passage to the lift.
- An infill ground floor extension in front of the location of the approved entrance (on the east side of the building) to enlarge flat G2 from a one-bedroom unit to a two-bedroom unit.
- Internal reconfiguration of flat G3 extending to incorporate part of the communal hallway.
- Removal of the centre part of the roof to create a roof terrace and to house the lift overrun.

Within the extension, key alterations include:

- Increase in the length of the building of around 825mm
- Formation of a basement area below the stair and lift core and relocation of the lift
- Elevational changes to the south west elevation including flush rather than projecting balconies at ground and first floor, fenestration alterations at ground and first floor and additional windows in the mansard roof, and revisions to the link block glazing.

- Elevational changes to the north-east elevation, replacing four projecting bays with two wider bays (of similar overall width, removal of first floor stairwell window and installation of larger high-level window at roof level, and revisions to the link block glazing consistent with the south west elevation.
- Installation of bedroom windows in the rear elevation on all floors.

The frontage layout at this stage shows 20 parking spaces, and provision for refuse and cycle storage in the same positions as approved previously.

Relevant History:

There are various historic applications including more recently

:

EPF/1406/10 Conversion of Grange Court, Chigwell School from a boarding house to a Pre-Prep School, including a new single storey extension, internal and external refurbishment and associated landscaping works. (Revised application) – Refused and dismissed at appeal. The related Listed Building Consent application (EPF/1408/10) was similarly refused and dismissed at appeal

EPF/3367/16 Conversion, extension and partial demolition of existing building to provide 14 flats with associated parking and landscaping. – Refused on grounds of the impact of extensions on adjoining properties, the harm caused by extensions to the special character of the building and the impact on the Conservation Area from loss of trees.

A related Listed Building application (EPF/3372/16) was also refused on design of the extensions, lack of information on specific listed building works and viability, and inappropriate sub-division of some elements of the building.

EPF/3264/17 Conversion, extension and partial demolition of existing building to provide 14 flats with associated parking and landscaping. Change of use from residential school building (Use Class C2) to residential (Use Class C3). This and the related Listed Building consent application (EPF/3275/17) were approved in March 2018.

Policies Applied:

Adopted Local Plan:

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations.

Section 38(6) Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan currently comprises the Epping Forest District Council Adopted Local Plan (1998) and Alterations (2006).

The following policies within the current Development Plan are considered to be of relevance to this application:

- CP1 Achieving Sustainable Development Objectives
- CP2 Protecting the Quality of the Rural and Built Environment
- CP5 Sustainable Building

CP6 Achieving sustainable urban development patterns
CP7 Urban Form and Quality
HC1 Scheduled monuments and other archaeological sites
HC6 Character, Appearance and setting of Conservation Areas
HC7 Development within Conservation Areas
HC10 Works to Listed Buildings
HC12 Development affecting the setting of Listed Buildings
HC13 Change of use of Listed Buildings
H2A Previously Developed Land
H4A Dwelling Mix
DBE1 Design of New Buildings
DBE2 Effect on Neighbouring Properties
DBE3 Design in Urban Areas
DBE8 Private Amenity Space
LL8 Works to preserved trees
LL10 Adequacy of provision for landscape retention
LL11 Landscaping schemes
ST1 Location of Development
ST2 Accessibility of development
ST4 Road Safety
ST5 Travel Plans
ST6 Vehicle Parking

NPPF (February 2019):

The current version of the National Planning Policy Framework ("the Framework" or "NPPF") was published in February 2019. It provides the framework for producing Local Plans for housing and other development, which in turn provide the policies against which applications for planning permission are decided.

Reflecting the proper approach identified in the previous section of this Report, the NPPF explains (at paragraph 2) that:

"2. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.²"

Paragraph 11 of the NPPF concerns the presumption in favour of sustainable development and states (so far as relevant):

"Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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."

Paragraph 11 d) ii. is often referred to as the 'tilted balance'.

In summary, the effect of footnote 7 is that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the NPPF, or where the Housing Delivery Test indicates that the delivery of housing was substantially below (that is less than 75% of) the housing requirement over the previous three years, “the policies which are most important for determining the application” are deemed to be “out-of-date”, so that the presumption in favour of sustainable development applies and planning permission should be granted unless either sub-paragraph (i) or (ii) is satisfied.

For the purposes of sub-paragraph (i) of paragraph 11, footnote 6 lists the policies in Framework (rather than those in development plans) that protect areas or assets of particular importance including: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, or Local Green Space; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63 of the NPPF); and areas at risk of flooding.

The presumption in favour of sustainable development does not, however, change the statutory status of the development plan as the starting point for decision making. In accordance with paragraph 213 of the NPPF and subject to paragraph 11 d) and footnote 7 referred to above, policies in the development plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Rather, due weight should be given to such policies according to their degree of consistency with the NPPF; in other words, the closer the policies in the development plan to the policies in the NPPF, the greater the weight that may be given to them)

In addition to paragraph 11, the following paragraphs of the NPPF are considered to be of relevance to this application:

2 – Achieving sustainable development – paragraphs 10, 12

5 – Delivering a sufficient supply of homes

12 – Achieving well designed places – paragraphs 128, 130

16 – Conserving and enhancing the historic environment – paragraphs 189 -196, 198, 199

Epping Forest District Local Plan (Submission Version) 2017:

On 14 December 2017, the Council resolved to approve the Epping Forest District Local Plan (2011-2033) – Submission Version ("LPSV") for submission to the Secretary of State and the Council also resolved that the LPSV be endorsed as a material consideration to be used in the determination of planning applications.

The Council submitted the LPSV for independent examination on 21 September 2018. The Inspector appointed to examine the LPSV ("the Local Plan Inspector") held examination hearings between 12 February and 11 June 2019. As part of the examination process, the Council has asked the Local Plan inspector to recommend modifications of the LPSV to enable its adoption.

During the examination hearings, a number of proposed Main Modifications of the LPSV were 'agreed' with the Inspector on the basis that they would be subject to public consultation in due course. Following completion of the hearings, in a letter dated 2 August 2019, the Inspector provided the Council with advice on the soundness and legal compliance of the LPSV ("the Inspector's Advice"). In that letter, the Inspector concluded that, at this stage, further Main Modifications (MMs) of the emerging Local Plan are required to enable its adoption and that, in some cases, additional work will need to be done by the Council to establish the precise form of the MMs.

Although the LPSV does not yet form part of the statutory development plan, when determining planning applications, the Council must have regard to the LPSV as material to the application under consideration. In accordance with paragraph 48 of the Framework, the LPAs "may give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) 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).²²"

Footnote 22 to paragraph 48 of the NPPF explains that where an emerging Local Plan is being examined under the transitional arrangements (set out in paragraph 214), as is the case for the LPSV, consistency should be tested against the previous version of the Framework published in March 2012.

As the preparation of the emerging Local Plan has reached a very advanced stage, subject to the Inspector's Advice regarding the need for additional MMs, significant weight should be accorded to LPSV policies in accordance with paragraph 48 of Framework.

The following policies in the LPSV are considered to be of relevance to the determination of this application, with the weight afforded by your officers in this particular case indicated:

POLICY	WEIGHT AFFORDED
SP1 Presumption in favour of sustainable development	Significant
SP7 Natural Environment, landscape character and green infrastructure	Significant
H1 Housing mix and accommodation types	Some
DM7 Heritage Assets	Significant
DM8 Heritage at risk	Significant
DM9 High Quality Design	Significant
DM10 Housing design and quality	Significant
DM15 Managing and reducing flood risk	Significant
DM19 Sustainable water use	Significant
DM22 Air Quality	Significant

Consultation Carried Out and Summary of Representations Received

Date of site visit: 01 August and 22 November 2019
 Number of neighbours consulted: 29
 Site notice posted: 22 November 2019
 Responses received: No response received from neighbours.
 Parish Council: Chigwell Parish Council have commented and strongly supports the application, *'because this project would allow the restoration of a significant Grade II* listed building, which is an important part of Chigwell's heritage'*.

Other statutory consultee comments:

Historic England have objected to the application, which it argues would result in an unjustified harm to the historic building. It has been demonstrated by the original application that a sustainable re-use of this former school building by conversion to multiple residential use can be achieved while avoiding this level of harm. The level of harm in the consented scheme was noted by us at the time as considerable. These proposed amendments would

significantly increase loss of historic fabric and disruption of legibility of the original plan form. Such an increase in harm would be significant, and is clearly not acceptable when considered against the considerations set out in the NPPF.

The introduction of the roof terraces would require considerable further harm, from the redesign of the historic roof-form of the listed building, and introduce alien forms not usually associated with houses of this age and distinction. In preventing the restoration of the roof in its original form, in all its complexity, it would block works essential to reinstate an important part of the listed building, that has been dismantled, we understand, without appropriate consent, that was indicative of the building's significance would be permanently lost.

Internally the introduction of the lift at the centre of the main block raises concerns relating to its impact on the historic plan-form of the building, and surviving historic fabric and finishes. A lift located in such a prominent position within the original house would have a considerable visual presence. It would impact on key historic spaces and result in the loss of historic fabric of walls, floors and ceilings that would need to be broken through to form new openings. The new lift enclosure would involve the subdivision of the central room on the garden front of the house on the ground and first floors. Both of these rooms are spaces of considerable historical interest, with surviving historic proportions and joinery. The changes, if they were to be carried out, would destroy the ability to appreciate the rooms as historical spaces, and would displace or conceal a proportion of the original joinery and other interior features. This would adversely affect the future understanding and appreciation of the historic building.

Main Issues and Considerations:

The primary considerations with the applications is the impact of the alterations of the historic fabric and character of the Listed Building. Changes to the extension have been considered in the context of the relationship with surrounding properties and the alterations to the elevational treatments.

Listed Building issues

The significance of Grange Court

Grange Court was built in 1774; it has a handsome Georgian façade of classical design. Internally the majority of the principal rooms survive without subdivision and with important architectural features. The buff brick house with red brick and stucco dressings was refurbished by Sir Edwin Lutyens for his friend Sir Charles Baring in the early 20th century. The grand status of the house is reflected by the large drive at the front. The site has a long and complex history and played a prominent role in the history of the settlement of Chigwell.

It is the completeness of the plan form, quality of the architecture and the building's clear legibility as a fine example of its Georgian type, overlaid with Edwardian work that makes it deserving of its grade II* listed status. This places it in the top 5.5% of buildings in the country.

Sir Edwin Lutyens

Sir Edwin Lutyens (1869-1944) was initially an Arts and Crafts architect, who became known for being able to imaginatively adapt traditional designs to the requirements of his clients. He is responsible for many country houses, public buildings and war memorials and has been described as equal to that of the best domestic architects of his time.

Evolution of development proposals

The initial applications for the development were refused in 2017 when both the Council and Historic England raised concerns that the level of intervention to the historic building was excessive. The approved scheme approved in 2018 was developed after comprehensive and cooperative discussions aimed at finding a viable development option for the site. This

included substantial works to the roof frame including removal of joists, works to improve structural safety, extensive repairs and the installation of a steel frame. These works did not include removal of any part of the external roof cladding or the frame however, and the removal of the roof that has taken place is considered to be unlawful. A schedule of reinstatement works has been sought but has not been forthcoming.

The extent of the works undertaken to date could be argued to be materially different to the approved scheme, particularly in the context that no applications have been submitted seeking to discharge conditions on the approved scheme.

In this context, the key amendments to the proposals are considered further.

Insertion of the lift within the Listed Building

As part of Historic England (HE) guidance, the location of a lift into a historic building should be considered carefully. The guidance states that:

“Passenger and platform lifts are best located in the less-sensitive parts of historic buildings, for example secondary staircases and light wells or in areas that have already been disturbed or altered. Pits and openings for lift shafts should be carefully located to avoid loss or damage to significant timbers, archaeological remains or decorative surfaces.”

The intended location of the passenger lift in Grange Court is through the central core of the historic building, and therefore cannot be considered to be located in a less sensitive part of the building and would in fact result in changes to the layout configuration and as a result will cause irreversible loss of historic fabric by way of loss of timbers and decorative surfaces in the form of original floors, ceilings, cornicing and panelling will be lost over the full three storeys. This is contrary to the more considerate approach that had been taken in the approved 2017 scheme where, for example, bathroom “pods” standing short of the existing ceiling height to preserve historic cornicing and ceiling, had been agreed.

Grange Court has undergone several phases of development which are still readable today. This is due to the fact that these successive architectural interventions have respected and worked with the building to add to it, increasing the building’s significance over time. This historic layout is particularly vulnerable to inappropriate changes.

The consent granted in 2017 ensured that the layout of Grange Court, as a typical Georgian mansion, was still readable after its conversion. As a compromise, it was agreed to lose the line of sight (front to garden circulation) and to insert a door (at a natural break point) between the Lutyens staircase and corridor.

The insertion of the lift will cause changes to the historic layout that will result in the loss of significant plan forms. Amongst these changes is the creation of a new communal entrance hall through the partitioning of the original entrance vestibule. This will distort the reading of this historic entrance room and sense of space, eroding its status. Evidence for the entirety of this room is demonstrated through the heights of the dado around the room. The height of the dado to the left of the entrance door (on entering) is the original (Georgian) height. The dado to the rest of the room, which is higher, is a later replacement fitting. This is confirmed through the photographs in the applicants’ submitted Ground Floor Historic Analysis report.

A further impact of providing access to the lift is the division of the Lutyens corridor and staircase which will diminish the appreciation of their presence and completeness. This includes the inclusion of part of the corridor into apartment G3, and in the north-eastern part of the building, a room designed by Lutyens has been split into two spaces with a staircase inserted into one half. This would result in a further fragmentation of the internal layout through partitioning and loss of historic fabric harming the original intention of the room, its volume and completeness. This will prevent these significant areas from being fully

experienced. This is in your officers view the additional contribution of these areas, designed by Lutyens, that makes Grange Court of more than special interest and designated at grade II*.

The level of harm resulting from the loss of interior features and structural elements is considered to be unacceptable as it would irreversibly diminish and erode the significance and character of the building.

Alterations to the original roof

At roof level, a significant section in the centre of the building is proposed to be removed to allow the formation of a pair of terraces connected through a communal hallway and the lift overrun which will also create a new structure on the roof. No sections accompany the application to detail the extent of these elements in a wider context. However, the introduction of the roof terraces would require considerable further harm, from the redesign of the historic roof-form of the listed building, and introduce alien forms not usually associated with houses of this age and distinction. In preventing the restoration of the roof in its original form, in all its complexity, it would block works essential to reinstate an important part of the listed building. These changes will give the roof an uncharacteristic and unexpected form which, despite not being visible from the immediate street frontage, will irreversibly alter its significance and may be visible from wider perspectives.

Ground floor infill extension

An infill extension is indicated at ground floor behind the front façade of the listed building to provide a new entrance and additional floorspace to Flat G-2. This would result in the loss of 18th & 19th century external wall due to the opening up of the internal space within this flat. The flank wall is proposed to be rendered with a monopitch roof, elements inconsistent with the remainder of the elevational treatment. No reference is made to this significant alteration or its impact on both the historic layout and fabric of the building in the application documents, as required by paragraph 194 of the NPPF (2019).

Changes to the form of the extension

The principle of adding a large extension has been accepted and the minor increase in the overall footprint is not considered significant. Other elements however raise concerns at the balance between the financial need for the extension and the potential impact of the form, scale and mass on the listed building;

- The glazed link connecting the original building and the new extension has an increased number of glazing bars obfuscating the intention of a minimalist design approach. This creates an unwanted greater closeness between the listed building and the new extension and reinforces the dominance of the extension over the original building and the rear façade. This is a particularly sensitive location as the part of the listed building where the link is attached, stands lower. A much clearer separation was supported previously with a frameless link, denoting the old from the new and reducing the pressure on the rear façade.
- The inset elements around the windows have been overly enlarged in height and width and are no longer in line with the adjacent openings, which results in a less neat façade composition.
- The increase in the number of dormers, added to a change in the roof profile adds to the bulk of the roof.

- The north-east elevation has been over simplified by the reduction in the number of projecting bays. This now reads more as a back of the building rather than an integral part of a holistic built form

These issues are supported by Historic England's assessment of the proposals. Officers conclude that the proposals would cause an unacceptable level of harm to the significance of the grade II* listed building, irreversibly eroding its historic fabric, layout and built form.

Impact on neighbours

Adjacent properties located to the north-east and south-east are most directly affected by the proposed extension. As discussed above, the north-east elevation has been significantly simplified and now reads very much as the back of the development. The alterations to the form have improved the layout of the flats internally and this needs to be balanced against the potentially harmful impact of the limited elevational interest. If members are minded to approve the principle, this matter could in your officer's view be addressed by breaking up the elevation with further detailing.

The overall scale of the building is consistent with the previously approved scheme where the overall height was approved and not substantially impacting on daylight and sunlight. The minor increase in depth of around 825mm is in the context of the overall scale of the building not considered to have a material additional impact.

Bedroom windows are also introduced into the rear face of the building, previously a blank façade. The windows do not face directly into habitable rooms and a minimum separation of 18m remains. As such limited impact from overlooking will result.

Epping Forest SAC

The site lies within 3km of the Epping Forest SAC. However, as the application proposes amendments to an extant permission and does not propose additional residential units, no additional impact beyond that already considered will result.

Conclusion:

Grange Court is a fine example of a Georgian residence. Alterations of considerable significance, and more than local note, were carried out by Sir Edwin Lutyens, one of Edwardian England's most acclaimed architects, and have contributed to the building's significance, reflected in its listing at Grade II*. Members should give considerable weight in considering the application to the comments made by Historic England who have objected strongly to the application.

The need to refurbish the building to secure its long-term future has been recognised, both in the support for the enabling development and in the previously agreed alterations to the listed building. Nothing in the application suggests that approved scheme is not capable of implementation.

However, the proposed amendments amount to a significant and harmful intervention to the existing building, introducing alien, evidently modern features out of context with the character and history, and disrupting the legibility of the historic form notwithstanding any historic alterations and the works previously agreed. The result would irreversibly erode its significance through the loss of its historic layout, building form and historic fabric.

The alterations to the extension have resulted in changes to the relationship between the listed building and the extension. In particular, the changes to the link block have clouded the separation between the historic building and the new addition, and the over simplification of

the north-east elevation results in a more bulky built form not in keeping with the character of the site. While these matters may be capable of further evolution, in the context of the other elements in the application these add to the significance of the impact of the extension on the listed building.

Officers consider that the extensive harm to the listed building clearly outweighs any limited benefits from the proposals. Procedurally however, Members should be aware that should they reach a different view, then the application would need to be referred to the Secretary of State for Housing, Communities and Local Government under Section 13 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and related directions due to the unresolved objection from Historic England.

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

***Planning Application Case Officer: Ian Ansell
Direct Line Telephone Number: 01992 564481***

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