

Appeal Decision

Site visit made on 14 June 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 28 July 2016

Appeal Ref: APP/J1535/W/16/3146462

North Villa, Mott Street, Waltham Abbey, Essex IG10 4AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr J Lyons (c/o Clear Architects) against the decision of Epping Forest District Council.
 - The application Ref EPF/3230/15, dated 18 December 2015, was refused by notice dated 15 February 2016.
 - The development proposed is the extension and conversion of an existing dwelling to create two dwellings. The erection of a new dwelling, creating 3 dwellings in total on the site.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's statement and some of the submissions and correspondence refer to the address of the appeal site being 'High Beech', whereas the Council's statement refers to 'High Beach'. Although there are no such references on the application or appeal form, the proposals map accompanying the Epping Forest District Local Plan and Alterations ('ALP') refers to 'High Beach'. I have determined the appeal on this basis.

Main Issues:

3. The main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt and the effect on the openness of the Green Belt.
 - The effect of the development on the appearance of the streetscene, with particular regard to parked vehicles.
 - The effect on highway safety.
 - If the development is inappropriate, whether the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so would this amount to the very special circumstances necessary to justify the proposal.

Reasons

Green Belt

4. Policies GB2A and GB7A of the ALP pre-date the National Planning Policy Framework ('the Framework') which states that the construction of new buildings in the Green Belt should be regarded as inappropriate, unless for one of a limited number of specified exceptions. Policy GB2A states that, within the Green Belt, permission will not be granted for the use of land or the construction of new buildings, unless it is appropriate in that it is for one of eight specified purposes.
5. The general approach taken in Policy GB2A is consistent with the Framework but the Framework includes two specific exceptions which are not reflected in that policy. The first is for limited infilling in villages and the second is for the limited infilling or redevelopment of previously developed sites, where this would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Furthermore, the policy wording does not reflect paragraph 87 of the Framework which advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Therefore I find that Policy GB2A is not entirely consistent with the Framework and as much more recently published national policy I attach the Framework greater weight.
6. The predominantly residential development along this part of Mott Street extends in a ribbon form with development on both sides of the road and within a wooded countryside setting. Apart from a primary school located close to the site, there appeared to be are no other services or facilities close by. On the evidence before me there are some services and facilities in the wider area, including two public houses, High Beach village hall, a Church and a café but these are somewhat remote from the appeal site with the two public houses and café around 20 minutes away on foot.
7. In my view, such facilities serve a wider and somewhat dispersed rural settlement and not a particular group of houses and associated buildings which are located, gathered or classed together and as such, could not be classified as a village. Even if it were, the appeal site and its group is too limited in size and too separated from other parts of the settlement to be regarded as being part of a village for the purposes of paragraph 89 of the Framework. Whilst I accept the appellant's submissions in respect of the definition of High Beach on Wikipedia, such a website does not provide a satisfactory basis for the definition of High Beach for planning purposes.
8. However, even if it were, the development would not represent limited infilling. The site may lie in between Regina and Cinders Cottage but it is set significantly forward of Regina and as such, the two storey extension and conversion element would not fill a gap between buildings in an otherwise built up frontage, a commonly understood meaning of the term infill.
9. There is some dispute between the parties regarding whether the development would be the partial or complete redevelopment of Previously Developed Land ('PDL') and would therefore not be inappropriate as long as it would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

10. The Framework excludes land in built up areas such as private residential gardens from the definition of PDL. A large part of the dwelling shown as House 1 would be built on part of the existing side garden area and as the immediate locality is built up, in the sense that there are surrounding houses, buildings and other development, this aspect would not be on PDL.
11. Even if it were classed as PDL and noting that there is no dispute between the parties regarding the siting of House 3 on PDL, development must not have a greater impact on openness and the purposes of including land within the Green Belt. Openness has both spatial and visual aspects and whilst the existing buildings on the site undoubtedly have an impact in this respect, the proposed increase in volume, height and massing from the erection of one detached house and the subdivision and extension of the existing dwelling to form two, would result in a greater impact on openness, both in spatial and visual terms than any existing development which might still be present or removed as part of the proposal.
12. The proposal would intensify both the use of site and the amount of built development on it, albeit that the development would not be of a single solid building mass. It would not be wholly sited on PDL and this would not assist in urban regeneration, by encouraging the recycling of derelict and other urban land which is one of the purposes for the Green Belt set out in the Framework. As the development would have a harmful effect on openness and would undermine the purposes of the Green Belt it would not therefore fall within the exception at bullet point 6.
13. Thus the development does not fall within any of the exceptions outlined in the Framework or the ALP and would be inappropriate development in the Green Belt, which is by definition, harmful. In accordance with paragraph 88 of the Framework, I attach substantial weight to this harm. In addition its failure to preserve openness would also conflict with Policy GBA7 of the ALP which, amongst other things, seeks to prevent an excessive adverse impact upon openness.

Appearance of streetscene

14. The existing property has an open and hard surfaced frontage that is used for the parking of vehicles and minimal soft landscaping. The Council's objection in this respect is on the grounds that the development would result in prominent front garden parking with inadequate space for meaningful landscaping and cars will visually dominate the development.
15. However, the site is within a group of dwellings along this section of Mott Street that all benefit from vehicle hard standings and hard elements such as boundary walls, gates and railings, albeit in addition to some soft landscaping and mature trees.
16. In addition, there is already a large expanse of hardstanding across the frontage of the appeal site. Moreover, parked vehicles were an integral part of the appearance of properties along this section of Mott Street and although there would be limited space for landscaping the introduction of additional vehicles parked within the six spaces would not cause harm to this semi-rural location.

17. For these reasons, the proposal would not conflict with Policies DBE6 and CP7 of the ALP which require car parking for new residential development to not visually dominate the streetscene and protect existing character.

Highway safety

18. Two vehicles were parked on the frontage at my site visit and in front of the existing property. I did not find that these obstructed the highway and it would be possible to park a vehicle on the proposed frontage without obstructing the highway. I also note that there has been no objection from the relevant highway authority.
19. For these reasons, the parking provision would be adequate and the development would not cause harm to highway safety. It would not therefore conflict with Policies ST4 and ST6 of the ALP which, amongst other things, allow development where it would not be detrimental to highways safety and provides on-site parking in accordance with an adopted standard.

Other Considerations

20. The scheme would provide three family homes of a vernacular style and I acknowledge that there would be no harm to the living conditions of adjoining occupiers and that the proposal would not harm highway safety or the appearance of the streetscene. I also note the lack of objection from Waltham Abbey Town Council. The provision of two additional houses would represent an increase to the stock of housing, albeit that it would be limited. This consideration carries moderate weight in favour of the proposal but I give no weight, in this particular case, to mere compliance with the normal development management design and amenity objectives of the development plan and the Framework given its Green Belt location.

Other Matters

21. My attention has been drawn to a planning permission for a single detached dwelling, Ref EPF/0452/08 at Manor Farm, Mott Street which is close to the appeal site. Whilst this appears to confirm that the property is at '*the western edge of High Beech*', on the evidence before me it does not appear to state that the Council considers High Beech to be a village for the purposes of Green Belt policy. Moreover, it relates to a development following on from an earlier approval and I have no substantive evidence before me that it relates to similar policy considerations and matters of judgement to the appeal before me. I cannot therefore be certain that it is directly comparable and it does not alter my view. In any event each must be determined on its own merits.
22. I also acknowledge that pre-application advice was given but the process of the administration and determination of the application is not a matter for me to determine as part of this appeal.

Conclusions and planning 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. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

24. The other considerations put forward do not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. Consequently, the very special circumstances necessary to justify the development do not exist.
25. For the above reasons and having considered all other matters raised, the proposal would conflict with the Framework and the development plan when taken as a whole and therefore I conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR