

# Parish Council Planning Committee

## Officer briefing note (statutory consultee response)

**Application site:** Land South of Chigwell Rise, Chigwell (IG7 6BN)

**Proposal (as submitted):** Full planning permission for 232 residential units (Use Class C3), flexible Class E(e)/F2(b) community space, access, parking, landscaping and SuDS.

**Applicant's main planning position:** Development is said to be acceptable in the Green Belt because the site is "grey belt" and the scheme is said to meet NPPF (Dec 2024) paragraph 155 tests (including "Golden Rules").

## Green Belt designation and baseline position

It is clear that the site remains Green Belt. The planning permission allowed on appeal in May 2025 for a natural burial ground has not been implemented and it does not alter the Green Belt designation or establish any principle for residential development. The correct baseline for decision making is therefore an open field in the Green Belt, not "land in transition" or a site where openness has already been compromised by lawful built development.

Officers are concerned that the planning statement seeks to blur this baseline by relying on past uses, temporary activity and infrastructure influences. None of that changes the essential point that the land is open countryside within the Green Belt and it significantly contributes to Green Belt functions at the settlement edge.

## Appeal history and why the current proposal conflicts with it

Officers consider members should give substantial weight to the site's very recent appeal decisions.

In December 2022 the Planning Inspector dismissed the cemetery scheme. Although that scheme was different from housing, the Inspector's reasoning is highly relevant because it addresses this site's openness and the harmful consequences of urbanising features. The Inspector treated the introduction of built form, parking and internal drives as harmful to openness and as a permanent urbanising encroachment into the countryside between settlements. The Inspector also rejected the suggestion that the M11 prevents sprawl or merging, noting that motorways exist in many urban areas and do not in themselves prevent urban sprawl or coalescence.

In May 2025 the Planning Inspector allowed the revised proposal only because it was fundamentally different. There were no buildings, the physical works were modest, parking was described as modest and transient and the scheme relied on low profile markers and a natural appearance when viewed from outside the site. That acceptability was secured through tightly drawn conditions, including but not limited to limits on parking, limits on activity, controls on landscaping, restrictions on lighting and the requirement for details of markers to protect openness.

The current proposal is the antithesis of the May 2025 scheme. It introduces extensive built form and the permanent domestication of the landscape through housing plots, estate roads, engineered drainage, lighting pressure in practice even if restricted in part, and a very substantial quantum of car parking. It therefore engages the precise harms that drove the December 2022 dismissal and it removes the key characteristics that allowed the May 2025 scheme.

## **The “grey belt” claim is unproven and misapplied**

Officers consider the applicant’s reliance on “grey belt” to be a weak and legally vulnerable attempt to avoid the ordinary Green Belt policy position.

The applicant’s main case is that the site is “grey belt” and that NPPF (December 2024) paragraph 155 is met. Officers do not consider the submission demonstrates that this land can properly be treated as grey belt.

The site is not previously developed land. Occasional or seasonal car boot sale does not change that. The grey belt case therefore depends on arguing it is “other land” that does not strongly contribute to Green Belt purposes. Officers do not consider that has been convincingly shown, particularly given the scale and permanence of what is proposed.

There is also a direct conflict with EFDC’s own Green Belt evidence base. As part of the evidence used to assess the Local Plan that EFDC adopted in May 2023, the wider parcel that includes this land was categorised as “very high” harm if released, identified as Stage 2 Parcel 035.7. That published conclusion directly conflicts with the applicant’s claim that the site performs weakly and can be treated as grey belt. Officers consider the proper starting point is that this is Green Belt land performing a strategic function at the settlement edge, consistent with the published evidence. The applicant has not provided parcel-specific evidence that convincingly justifies treating this part of Parcel 035.7 differently from the “very high harm” finding.

The applicant repeatedly describes Chigwell and Buckhurst Hill as “villages not towns” and then treats Green Belt purposes as if they do not apply with meaningful force. The Parish Council does not accept that this is a proper reading of Green Belt purposes or the grey belt definition. The site sits at the settlement edge and functions as open countryside. The proposal would extend built development into open land and permanently change the character of the area. That is encroachment, and it is how sprawl occurs in practice regardless of whether a settlement is described as a village, a district centre, a town or otherwise in the Local Plan

The “containment” argument is inconsistent with the Inspector’s reasoning on this site. The applicant repeats the contention that the M11, railway and roads “contain” the site. This is directly inconsistent with the December 2022 Inspector’s conclusions on this very site, where it was made clear that such infrastructure does not, of itself, prevent sprawl or merging. The applicant cannot reasonably present that point as settled in their favour

The scheme appears designed to enable onward development beyond the red line, which is a material concern. The application documents indicate that the layout and access strategy have been designed to facilitate future development on adjoining Green Belt land beyond the red line boundary. Page 62 of the Design and Access Statement explicitly identifies “Potential Future Development,” including “future connections” through the application site.

This is a material planning concern because it signals an intention to use this permission as the first step in a wider pattern of growth, with the application site operating as enabling infrastructure for further development.

In Green Belt terms, that matters because the site performs a strategic function at the settlement edge. It forms open land between built development and the wider countryside and helps check outward expansion by preventing the gradual spread of built form into the Green Belt. The proposal would replace open countryside with a substantial housing estate. Taken together with the applicant’s express acknowledgement of future development potential to the south, it risks

establishing a new “defensible” urban edge within the Green Belt and creating the conditions for additional land to be argued as “contained” or “logical” for release. That is how sprawl occurs in practice, incremental extensions or creep that cumulatively erode openness and permanence.

Officers note that while the headline offer of 50% affordable housing aligns with the NPPF Golden Rules benchmark when compared to EFDC’s 40% policy requirement, the submission does not clearly demonstrate or secure compliance with the other Golden Rules, in particular the delivery of necessary infrastructure improvements and the provision of new or improved publicly accessible green space within a short walk. The NPPF wording is “necessary improvements” to infrastructure, which normally means the submission should identify what the development makes necessary (highways mitigation, education/health capacity where triggered, utilities, active travel measures, SAC-related mitigation where relevant) and show how it will be secured and delivered. Without a clear, costed, secured package (typically via s106/conditions), compliance is hard to confirm. It’s not enough to show landscaping or private amenity space. The rule requires public access, good quality and short-walk accessibility, plus it needs to be clear how it will be managed and maintained long-term. If areas are private, restricted, fragmented, or not genuinely accessible, Rule 3 may not be met

Even if the site were argued to be grey belt, the policy test is not met by a site-only narrative Paragraph 155(a) requires a demonstration that the development would not fundamentally undermine the purposes, taken together, of the remaining Green Belt across the plan area. A large, unallocated housing estate on an open Green Belt field at the edge of Chigwell is the type of development that undermines Green Belt purposes and the permanence of the Green Belt.

For these reasons, officers consider the development should be assessed on the normal Green Belt basis. On that basis, new housing is inappropriate development unless very special circumstances are clearly demonstrated.

### **The burial permission is not a credible fallback and should not be used to dilute Green Belt harm**

Officers note that arrangements for the developer’s public consultation for the housing scheme began only a few days after the May 2025 appeal decision granting the natural burial ground. While the timing itself is not a policy test, it is relevant context when the applicant seeks to rely on the burial permission as a fallback position or as a reason to treat the baseline as already compromised. It may be relevant to the weight given to promotional claims about community-led intentions and long-term stewardship.

On the facts as presently understood, there is no evidence that the burial permission is likely to be implemented. In those circumstances it should be given little or no weight as a fallback. The proper baseline remains the existing open field in the Green Belt.

In any event, even if implemented, the burial permission was expressly conditioned and assessed on the basis of preserving openness through minimal interventions and an absence of buildings. It cannot rationally be used as a stepping stone to justify permanent housing and extensive built infrastructure.

### **Biodiversity Net Gain**

Officers are concerned that the Biodiversity Net Gain (BNG) report contains basic factual errors and internal inconsistencies that undermine confidence in its conclusions. Most notably, the report

states that the site lies within “Basildon Borough Council” as the local planning authority, which is plainly incorrect for Chigwell. While this may appear minor, it suggests that parts of the document have been prepared using generic text and have not been carefully checked, which raises doubts about the robustness of the desk study, mapping and assumptions that sit behind the headline BNG percentages.

A further concern is that the report is not clear and consistent about the baseline condition of key habitats, particularly hedgerows. In different parts of the report, the same hedgerow is described in ways that do not match, with one section suggesting poor condition and another describing it as good, while the later condition forms indicate different results again. Because the claimed hedgerow gain depends on accurately scoring the existing hedgerows and then reliably improving them, these inconsistencies matter. If the baseline is wrong, the claimed percentage uplift may be overstated.

Officers also note a significant omission that is easy to miss in the headline figures. The report explicitly states that new (“created”) hedgerows shown on the proposed habitat plan have not been included in the statutory biodiversity metric because the authors say the long-term ownership and management are uncertain. The report even gives the length of these new hedgerows as 2.219 kilometres, but then excludes them from the formal calculation. This is a major weakness because it means part of the ecological offer being promoted in plans is not being counted or evidenced in the statutory BNG position, and it also indicates that a key element of the scheme has not yet been properly secured for the required 30-year period.

Officers are also concerned that a number of the habitat outcomes appear optimistic given the realities of a new housing estate. Much of the claimed net gain relies on turning large areas of existing grassland into “species rich” meadow, scrub and other habitats that are assumed to achieve moderate or even good condition over time. However, these areas are also intended to be used by residents for recreation, dog walking and day-to-day movement through the site. The report acknowledges that trampling and disturbance are likely, yet still assumes relatively high habitat condition scores. The Parish Council considers that, without very clear and enforceable long-term management arrangements, there is a real risk that these habitats will not achieve the condition assumed in the metric, meaning the claimed net gain may not be delivered in practice.

Officers consider that EFDC should not place weight on the headline BNG percentages until the underlying evidence is fully transparent.

## **Habitats and the SAC**

Officers consider a suggestion that a standard financial contribution is not sufficient to neutralise SAC issues as a matter of principle. EFDC, as competent authority, must be able to conclude no adverse effect on integrity, alone or in-combination, before granting permission. The 2025 burial appeal decision illustrates how tightly activity and parking were controlled to manage SAC air-quality pathways. A 232-home scheme is likely to generate materially greater traffic and recreation pressure than the burial scheme, so SAC issues cannot be treated as “solved” simply by a standard contribution.

Officers are concerned that the air quality evidence base for the Epping Forest SAC is not yet complete. The SAC is sensitive to nitrogen pollution and EFDC’s own Epping Forest air pollution work identifies ammonia (NH<sub>3</sub>) as a pollutant of concern alongside NO<sub>x</sub>/NO<sub>2</sub>, including from road traffic, and Natural England has referred to continued sensitivity close to roads. The Habitats Regulations assessment for this proposal has not explicitly assessed the ammonia pathway using an appropriate dispersion modelling approach where screening indicates a likely significant effect.

The adverse effect on integrity, alone or in combination with other proposals has not been considered

The planning statement itself acknowledges that further work is required on in combination traffic effects within the SAC. Until the HRA and any Appropriate Assessment position is complete, and until mitigation is secured and demonstrated to be effective, it is not open to planning officers to treat SAC matters as resolved.

This is also important because a critical limitation for "grey belt" designation is that it excludes land where policies relating to habitats sites (like Epping Forest SAC) provide a strong reason for refusal. That gateway cannot be assumed away.

### **“Demonstrable unmet need”: the housing delivery position is disputed**

The applicant relies on housing under-delivery (HDT) and challenges EFDC’s five-year supply. Officers are concerned that the application’s case on housing delivery and land supply is presented as settled when it is not. Members should be aware that these figures are technical and often contested at appeals.

EFDC’s Housing Action Plan (Aug 2025) explains that the published 2023 HDT result was 66%, but also records that revised housing flows (notably a higher 2022/23 delivery figure) would move the measurement to around 75.3%. EFDC’s view is that the “presumption in favour” consequence would not apply on the updated figure.

Put simply, EFDC is saying “we have enough land lined up over the next five years and although the official delivery test looks poor, we think corrected numbers would avoid the planning consequence called the “presumption in favour of sustainable development” (often called the tilted balance) which makes it harder to refuse housing schemes.

This matters for the grey belt test because the NPPF’s “demonstrable unmet need” test for housing is tied to specific triggers (including a lack of five-year supply and/or HDT performance). If EFDC maintains a five-year supply position and/or the relevant HDT figure is effectively at or above the stated threshold, the applicant’s reliance on paragraph 155(b) is less secure. It is reasonable for the Parish Council to flag that the application’s need case is not straightforward

### **Character, landscape and urbanising effects**

Regardless of “grey belt”, the scale and domestic character of 232 dwellings, estate roads, lighting expectations (even if restricted), boundary treatments, play areas and year-round activity will fundamentally change the experience of this currently open land.

This is precisely the type of urbanising effect that concerned the 2022 Inspector when built form and formal layouts were proposed. Members may wish to note that the “natural burial ground” findings cannot sensibly be used as a stepping stone to justify a housing estate. The earlier decision went the other way as it only allowed a low-key scheme because it remained open and natural

### **Highways, parking and sustainable transport claims**

The Car Park Management Plan repeatedly defers the real detail to a later “finalised CPMP ... prior to occupation”. That means members are being asked to accept the *principle* of a reduced parking provision without seeing the full mechanics that would actually prevent overspill and nuisance. In

practice, the success or failure sits in the missing detail: who enforces, where, how often, what happens when it goes wrong and what sanctions/controls actually bite.

Essex Parking Standards require a minimum of 464 residential spaces and 58 visitor parking spaced in this location. The proposed parking is 359 resident spaces plus 40 additional visitor and 5 blue badge spaces, a significant shortfall in residential parking of almost 25%

It states all residential parking is allocated and residents can't rent/lease spaces, but it does not explain allocation principles (especially for on-street bays), visitor control, household changes, multi-car households or what happens when a household has more vehicles than allocated bays. In reality, that's where overspill begins.

The Essex Parking Standards do not prescribe Blue Badge standards for Moderate and Low connectivity areas, assuming parking to be within the curtilage of the dwelling. However here all residential parking is allocated across the site. The proposal provides five accessible bays and they are placed around the flexible use building, not distributed near homes. For residents, the solution is essentially "convert end bays if demand arises" and rely on residents telling management they need a bay. That is reactive, reduces the already-low supply and doesn't deal with the practical reality that residents may need accessible parking close to their home from day one.

The scheme is also not compliant with the requirement that at least 10% of cycle parking be suitable for non-standard cycles (including cargo bikes). The DAS indicates a total of about 634 cycle spaces (620 private + 6 visitor + 8 community), but it only explicitly identifies 2 spaces for cargo bikes (within the 8 community spaces). 10% of 634 would be roughly 64 spaces designed for non-standard cycles, so the proposal appears materially short. The applicant has failed to evidence that a substantial proportion of the "private, secure and covered" residential stores are built to dimensions/specification that genuinely accommodate cargo bikes, tricycles or adapted cycles.

Currently the proposal does not meet the Essex Parking Guidance 2024 in terms of quantum or vehicle and cycle parking and as such the proposal fails to comply with policy T1 of the Local Plan.

The development is likely to generate significant car movement and the proposal fails to justify its narrative of "low car dependence"

## **Conflict with the adopted Local Plan**

The adopted EFDC Local Plan is recent and establishes the Green Belt strategy and approach. This site is not allocated for housing and lies within the Green Belt. Approving a major housing scheme here on the basis of a disputed grey belt narrative would undermine the plan led approach and would set an unwelcome precedent for incremental Green Belt erosion at settlement edges.

## **Noise and living conditions**

The submission itself appears to recognise that without mitigation, noise levels from the M11, Chigwell Rise and the railway would be problematic for some residents and that mitigations such as glazing/ventilation/acoustic barriers may be required.

Members may wish to consider the practical concern, for example reliance on closed windows and mechanical ventilation for overheating mitigation and will need to be satisfied that future residents would have acceptable, policy-compliant living conditions across the whole site.