

Delegated Report

EPF/2247/22

Description of Site:

The application site lies to the east of Roding Lane, north of the junction with Chigwell Lane. Erection of a house on the previously developed site was granted in March 2022, this having been delayed by EFSAC issues. The current site includes an extensive area around the previous site.

There is an existing dwelling to the south which shares the existing site access, further dwellings lie to the north east. The site and all surrounding land lies within the Green Belt, a Cadent main crosses part of the site.

Description of Proposal:

The application seeks to erect a boundary fence around what is assumed to be land acquired in association with the site on which development is permitted.

The site plan indicates a 2m palisade fence around the plot which the form describes as 2m steel palisade painted green. The site plan indicates an entrance gate to the north east of the development site comprising a new brick wall 2.5m high and a pair of gates. Two sections of the wall about the road, the remainder are set back to allow the gates to be set 6m from the road.

The site plan describes this entrance as a main gate, and indicates the existing entrance as a secondary vehicular gate

Relevant History:

EPF/0635/20 development as one dwelling approved subject to EFSAC mitigation (air quality and recreational pressure)

Policies Applied:

Adopted Local Plan:

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:

CP2	Protecting the quality of the rural and built environment
GB2A	Development in the Green Belt
GB7A	Conspicuous development
DBE2	Effect on neighbouring properties
DBE9	Loss of Amenity
LL10	Adequacy of provision for landscape retention

NPPF (July 2021):

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.

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

- 2 Achieving sustainable development
- 8 Promoting healthy and safe communities
- 12 Achieving well designed places
- 13 Protecting Green Belt land
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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)."

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 advanced stage of the LPSV, all policies should be afforded significant weight:

No.	POLICY
SP1	Presumption in favour of sustainable development
SP6	Green Belt and District Open Land
SP7	The Natural Environment, landscape character and green infrastructure
DM1	Habitat protection and improving biodiversity
DM2	Epping Forest SAC and Lee Valley SPA
DM3	Landscape Character, Ancient Landscapes and Geodiversity
DM4	Green Belt
DM5	Green and Blue Infrastructure
DM9	High Quality Design
DM10	Housing design and quality
DM15	Managing and reducing flood risk
DM16	Sustainable Drainage Systems
DM19	Sustainable water use
DM21	Local environmental impacts, pollution and land contamination
DM22	Air quality

Consultation Carried Out and Summary of Representations Received

Date of site visit: 07 November 2022
Number of neighbours consulted: One – no response

Site notice posted: No, not required
Parish Council: Chigwell PC had no objection

Cadent Gas have issued a holding objection, but this does not prevent planning issues being considered.

Main Issues and Considerations:

The boundary of the land abutting Roding Lane along the relevant frontage currently comprises a grass verge, an established tree and shrub screen, and a simple post and rail fence, the access is existing and there is a five bar galvanised metal gate at the site. In this context, a metal palisade fence and particularly the walls would have a significant impact on the open character of the Green Belt at this point. The development should therefore be refused on these grounds, and the general visual impact.

The application does lack detail in relation to the location of the wall. The plan indicates a 2m set back from the carriage way but is unclear as to what this includes. It would appear to require removal of some trees but no information on the impact on trees and landscape is included anywhere

The application raises a number of issues relating to the previously approved scheme. Firstly, the scheme suggests this is intended as the main access. The permission is specific in that a condition prevents any expansion of the residential curtilage. Thus, the access would lie outside of the approved curtilage and any hard surface required must as a result require planning permission as an engineering operation. This can be dealt with by informative.

Conclusion:

The proposed fencing has a significant adverse impact on the Green Belt and the general character of the area. The plans are deficient in detail as to the access proposals. Thus the application should be refused.